

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1852.

An Act concerning the appointment of Appraisers in Civil Process. *Chap. 1*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act entitled "An Act concerning the appointment of Appraisers in Civil Process," approved May 24th, 1851, is hereby repealed. Former act repealed.

SECT. 2. No appraisalment made since the said act took effect shall be invalid for want of conformity to the provisions thereof: *provided*, the same were made in conformity to the provisions of law existing previously to the passage of said act. Previous appraisements not invalid, provided, &c.

SECT. 3. Wherever appraisers are appointed by virtue of the provisions of law relating to any civil process in the hands of any officer authorized to serve the same, such appraisers may be sworn by said officer. Appraisers to be sworn.

SECT. 4. This act shall take effect from and after its passage. Takes effect. [Approved by the Governor, January 23, 1852.]

An Act concerning the Boston Dispensary. *Chap. 2*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

That the Boston Dispensary be, and it hereby is, authorized and allowed to make purchases, and to receive grants May make purchases and receive grants

of real and personal estate.

How apply proceeds.

Proviso.

Income shall not exceed \$5000, &c.

and donations of real and personal estates, and to apply the proceeds thereof in such manner as in the judgment of the managers of said dispensary shall appear best calculated to promote the comfort of suffering applicants for food, fuel, clothing, medical assistance, or any other kind of relief: *provided*, that the annual income of the said real and personal estate shall not exceed the sum of five thousand dollars, in addition to the income of the property which the said dispensary were authorized to hold by their act of incorporation. [*Approved by the Governor, January 30, 1852.*]

Chap. 3

An Act to incorporate the South Boston Samaritan Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. Sarah Park, Eunice Safford, Helen M. Southward, their associates and successors, are hereby made a corporation by the name of the South Boston Samaritan Society, in the city of Boston, for the purpose of relieving the wants and improving the condition of the poor, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Capital, \$10,000.

SECT. 2. The said corporation, for the purpose aforesaid, may hold real and personal estates to an amount not exceeding ten thousand dollars. [*Approved by the Governor, February 6, 1852.*]

Chap. 4

An Act relating to Shop-breaking and aggravated Larceny.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Previous act modified.

SECT. 1. The fourth section of an act relating to shop-breaking and aggravated larceny, chapter one hundred and fifty-six, passed May the fifteenth, eighteen hundred and fifty-one, is so far modified that justices of police courts and justices of the peace, may, in their discretion, take jurisdiction, and punish by fine not exceeding twenty dollars, or by imprisonment in the county jail or house of correction not exceeding one year, where the money or property stolen shall not exceed in value the sum of ten dollars.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 9, 1852.*]

An Act to incorporate the Paper Manufacturers' Mutual Insurance Company. *Chap. 5*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas Colt, Charles M. Owen, Harrison Garfield, their associates and successors, are hereby made a corporation by the name of the Paper Manufacturers' Mutual Insurance Company, to be established in Pittsfield for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent acts relating to mutual insurance companies. Corporators.
Name.
Duties, liabilities, &c.

SECT. 2. On receiving from the subscribers thereto a capital of one hundred thousand dollars, said company may also insure against losses by fire and against maritime losses, otherwise than on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the thirty-seventh chapter of the Revised Statutes, and in subsequent acts relating to insurance companies; *provided*, that no shares in said capital shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued. When \$100,-
000 is paid in
may insure,
otherwise, &c.
Proviso.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, February 10, 1852.]* Takes effect.

An Act to incorporate the Hamilton Mutual Insurance Company. *Chap. 6*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The members of the Bowditch Mutual Fire Insurance Company, and of the Essex Mutual Fire Insurance Company, both established in Salem, and the members of the Lawrence Mutual Fire Insurance Company, established in Lawrence, are hereby made a corporation by the name of the Hamilton Mutual Insurance Company, in Salem, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent acts relating to mutual fire insurance companies: *provided*, that Corporators.
Purpose.
Duties, liabilities, &c.
Proviso.

said Bowditch Mutual Fire Insurance Company, said Essex Mutual Fire Insurance Company, and said Lawrence Mutual Fire Insurance Company, shall respectively continue to exist as corporations for the term of two years from the passage of this act, for the purpose of closing their affairs: *and also provided*, that this act shall not affect the legal rights of any person.

Proviso.

When to take effect.

SECT. 2. This act shall not take effect until it shall be accepted by the members of said corporations, respectively, at meetings called for that purpose. [*Approved by the Governor, February 10, 1852.*]

Chap. 7

An Act in further addition to an Act to establish the City of Roxbury.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No. of wards, five.

City council shall revise once in five years.

SECT. 1. The number of wards of said city shall be five, and each ward, respectively, shall embrace the same territory as at present, unless altered as hereinafter provided. It shall be the duty of the city council once in five years to revise, and if it be needful, to alter said wards in such manner as to preserve, as nearly as may be, an equal number of voters in each ward.

Previous act amended.

Council to consist of twenty.

SECT. 2. The second section of the said act entitled "An Act to establish the City of Roxbury," is hereby so far amended, that from and after the election of the five additional common councilmen for the current municipal year, whose election is hereinafter provided for, the council called the common council shall consist of twenty.

Mayor and eight aldermen, how chosen.
Common council, how chosen.
Residence.

SECT. 3. The mayor and eight aldermen, one alderman to be selected from each ward, and three aldermen from the city at large, shall be elected annually by the qualified voters of the city at large voting in their respective wards, and four common councilmen shall be elected annually from and by the voters of each ward, who shall be residents of the wards in which they are elected; all of said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday of January, and the mayor until another shall be elected and qualified in his place; all of said officers shall be elected on the second Monday of December, annually, and shall enter upon the duties of their respective offices on the first Monday of January each year.

Term of office.

Elected on second Monday of December, annually.
Enter on duties 1st Jan'y.
Three aldermen to be elected for present year,

SECT. 4. There shall be elected, at such time in the month of February or March of the present year as the mayor and aldermen shall appoint, by the qualified voters of the city at large, voting in their respective wards, three

aldermen from the city at large, in addition to those already elected from wards, and one common councilman shall be elected from and by the voters of each ward in addition to those already elected, and the common councilmen so elected shall be residents of the wards in which they are elected; all of said officers shall be chosen by ballot, and shall enter upon the duties of their respective offices as soon as may be after their election, and shall hold their respective offices until the first Monday of January next, and in case of failure of elections of either of said aldermen or common councilmen, or in case of vacancy from any other cause, the mayor and aldermen shall order a new election for the purpose of filling such vacancy, as is provided in the sixth section of the act to which this is in addition.

and one common councilman for each ward.

When enter on their duties.
Duration of office.

In case of vacancy, &c.

SECT. 5. This act shall be void unless the inhabitants of Roxbury, at any general meeting, duly warned by public notice of at least seven days, by the mayor and aldermen, shall (within thirty days from the passage hereof), by written vote, adopt the same.

This act to be adopted by citizens, &c.

SECT. 6. All acts, or parts of acts, inconsistent herewith, are hereby repealed.

Acts inconsistent repealed.

SECT. 7. This act shall take effect from and after its passage. [Approved by the Governor, February 11, 1852.]

Takes effect.

An Act to change the name of the United Interest Insurance Company, and for other purposes. *Chap. 8*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The United Interest Insurance Company shall hereafter be called and known by the name of the Elliot Fire Insurance Company.

Name chang'd.

SECT. 2. The said company are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars: *provided*, that such addition shall be paid in within two years from the passage of this act.

Capital increased \$100,000.
Proviso.

SECT. 3. So much of the third section of the act to incorporate the United Interest Insurance Company as requires that their place of business shall be located and kept south of Bedford street, in the city of Boston, is hereby repealed. [Approved by the Governor, February 11, 1852.]

Section of previous act repealed.

Chap. 9

An Act in addition to an Act relating to Joint Stock Companies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Cutting and storing ice included.

SECT. 1. The one hundred and thirty-third chapter of the acts of the year one thousand eight hundred and fifty-one, shall be construed to include the business of cutting, storing, and selling ice.

Previous associations deemed corporations, &c.

SECT. 2. All associations, formed for such purpose since said act took effect, in accordance with the provisions thereof, shall be deemed corporations within the meaning, and shall be entitled and subject to all the provisions of the same.

Takes effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 11, 1852.*]

Chap. 10

An Act concerning the Custody of Records.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Temporary removal of records not prohibited.

SECT. 1. Nothing contained in the statute of eighteen hundred and fifty-one, chapter one hundred sixty-one, shall be so construed as to prohibit such temporary removals of records or other documents in the custody of clerks of courts, as shall be necessary or convenient for the transaction of the business of the courts, or the performance of the duties of their officers.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 11, 1852.*]

Chap. 11

An Act to incorporate the Boston Sectional Dock Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Robert G. Shaw, Samuel Hall, David Elwell, their associates and successors, are hereby made a corporation by the name of the Boston Sectional Dock Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, duties, liabilities, &c.

May purchase real estate not exceeding \$150,000.

SECT. 2. Said company may purchase and hold real estate in the county of Suffolk not exceeding in value one hundred and fifty thousand dollars, and may improve the same and construct thereon one or more sectional docks,

and the whole capital stock shall not exceed two hundred and fifty thousand dollars: *provided*, that no shares in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued. Whole capital \$250,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 11, 1852.*]

An Act in addition to an Act to incorporate the Hampden Mutual Fire Insurance Company. Chap. 12

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. On receiving from the subscribers thereto a guarantee capital of fifty thousand dollars, which shall be paid in within two years from the passage of this act, the Hampden Mutual Fire Insurance Company, established at Springfield, may make insurance against fire and against maritime losses, otherwise than on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating to insurance companies. When \$50,000 paid in, may insure against fire, otherwise, &c.
Duties, liabilities, &c.

SECT. 2. Said company may increase its guarantee capital to an amount not exceeding one hundred thousand dollars, at any time within three years from the passage of this act; and may hold real estate, not exceeding in value twenty thousand dollars, excepting such as may be taken for debt or held as collateral security for money due said company. [*Approved by the Governor, February 12, 1852.*] May increase guarantee capital to \$100,000.
May hold \$20,000 real estate, excepting, &c.

An Act to incorporate the Hingham and Cohasset Mutual Fishing Insurance Company. Chap. 13

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Laban Souther, Isaac Barnes, Luther J. Barnes, their associates and successors, are hereby made a corporation by the name of the Hingham and Cohasset Mutual Fishing Insurance Company, to be established in the town of Cohasset for the purpose of making insurance against losses on fishing vessels and their outfits, on the principle of mutual insurance; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so Corporators.
Purpose.
Duties, liabilities, &c.

Term, twenty years. far as the same are applicable to the corporation hereby created, to continue for the term of twenty years.

When policies may be issued. SECT. 2. No policy shall be issued until application shall be made for insurance to the amount of fifty thousand dollars, and no division of any of the profits remaining in the hands of the company shall be made, so long as the company shall be held accountable for any policy issued by them.

Takes effect. SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 12, 1852.*]

Chap. 14 An Act to amend the ninth and fourteenth sections of the one hundred and thirty-fourth chapter of the Revised Statutes.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Words "City of Boston" struck out. SECT. 1. The ninth and fourteenth sections of the one hundred and thirty-fourth chapter of the Revised Statutes, shall be amended by striking out from each the words "City of Boston," and inserting instead thereof, the words "County of Suffolk."

"County of Suffolk" inserted. Takes effect. SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 14, 1852.*]

Chap. 15 An Act to incorporate the Sagamore Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. George Hood, Daniel N. Breed, Samuel J. Ireson, their associates and successors, are hereby made a corporation, by the name of the Sagamore Mutual Fire Insurance Company, in the city of Lynn, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and their contents, against loss or damage by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed relating to mutual fire insurance companies. [*Approved by the Governor, February 18, 1852.*]

Term, twenty-eight years. Purpose.

Duties, liabilities, &c.

An Act to authorize the proprietors of the Boston Atheneum to hold additional property. *Chap. 16*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The proprietors of the Boston Atheneum and their successors, in addition to works or objects of literature, science, and the arts, and the property which they are now allowed by law to hold for income, may take, hold, and convey, for the purpose of income, real and personal property not exceeding two hundred thousand dollars in value, the income thereof to be applied to the purposes specified in their act of incorporation. *[Approved by the Governor, February 18, 1852.]*

May hold \$200,000 in addition, &c.

Income, how applied.

An Act to incorporate the Saugus Mutual Fire Insurance Company. *Chap. 17*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Benjamin F. Newhall, Harmon Hall, William M. Newhall, their associates and successors, are hereby made a corporation by the name of the Saugus Mutual Fire Insurance Company, in the town of Saugus, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent acts relating to mutual fire insurance companies.

Corporators.

Term, twenty-eight years.

Purpose.

Powers, duties, liabilities, &c.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, February 24, 1852.]*

Takes effect.

An Act in addition to an Act relating to a Public Cemetery in the city of Roxbury. *Chap. 18*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The board of commissioners of the rural cemetery in Roxbury, elected by the city council pursuant to an act approved March twenty-fourth, one thousand eight hundred and forty-eight, are authorized to take and hold any grant, donation, or bequest of property upon trust, to apply the same, or the income thereof, for the improvement or embellishment of the said cemetery, or for the erection,

Commissioners allowed to receive and hold grants and donations in trust for specific purposes.

How apply the income.

May give obligations to perform certain duties, &c.

Moneys so received shall be invested by the city treasurer, &c.

The city of Roxbury responsible for the commissioners and treasurer.

Act void unless accepted by city council.

Takes effect.

repair, preservation, or renewal of any monument, fence, or other erection, or for the planting and cultivation of trees, shrubs, or plants, in or around any lot, or for improving the said premises in any other manner or form consistent with the purposes for which said cemetery is established, according to the terms of such grant, donation, or bequest. And whenever any such grant, donation, or bequest, or any deposit shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation, or embellishment of such lot, and the erections thereon, the said commissioners may give to such proprietor, or his representative, an agreement or obligation, in such form, and upon such terms and conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.

SECT. 2. Any sums of money so received by said commissioners, shall be invested by the city treasurer of Roxbury, under the direction of said commissioners, in public stocks or mortgages of real estate, and all such property received under the provisions of the foregoing section (unless other provision is made by the terms of any such grant, donation, or bequest.) shall be made under the charge of said city treasurer, but shall always remain separate from, and independent of, any other moneys or property belonging to the city of Roxbury, and free from the control of the city council. And the income of such fund or funds shall be received by said treasurer, subject to the order of said commissioners, and shall be appropriated by them in such manner as shall, in their opinion, best promote the purposes for which said grants, donations, bequests, or deposits are made.

SECT. 3. The city of Roxbury shall be responsible for the good faith of said commissioners, and the treasurer of said city, in the execution of any trust which they may assume, pursuant to the foregoing provisions. But said commissioners shall not be liable to make any renewal or reconstruction of any monument, or other erection, on any lots in said cemetery, unless such liability shall be expressed in the agreement given by them as aforesaid, or in the terms and conditions under which they accept any grant, donation, or bequest.

SECT. 4. This act shall be void unless the city council of Roxbury shall accept the same at a meeting of said council, called for that purpose, within thirty days after its passage.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 25, 1852.*]

An Act to incorporate the Trustees of the Second Methodist Episcopal Church in Harwich. *Chap. 19*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James Baker, Nathan Foster, Mulford Allen, Ebenezer Kelly, and Oliver Kelly, their associates and successors in office, elected according to the usages of the Methodist Episcopal Church, are constituted a body corporate by the name of the Trustees of the Second Methodist Episcopal Church in Harwich. *Corporators. Trustees.*

SECT. 2. The said trustees may elect such officers and make such by-laws as they shall deem proper: *provided,* such by-laws be not repugnant to the laws of this Commonwealth. *May elect officers, &c.*

SECT. 3. The number of trustees shall at no time exceed nine, or be less than five. *In number not more than nine, nor less than five.*

SECT. 4. The said trustees are hereby vested with full power to take and hold all grants and donations of real or personal estate made to the use of said church, or otherwise, and to sell, convey, or manage such real or personal estate, according to the terms and conditions of the grants or donations; and, by purchase or operation of law, to take, hold, and manage any real or personal estate in trust for the use and benefit of said church, and to sell and convey the same, and to prosecute and defend in any action touching the same: *provided,* the annual income of the grants, donations, and purchases for the use aforesaid shall not exceed the sum of two thousand dollars. *Have power to take and hold real and personal estate—sell and convey, &c. Proviso.*

SECT. 5. James Baker, before named, is authorized to appoint the time and place for holding the first meeting of said trustees, and to notify them thereof. *First meeting.*

SECT. 6. This act shall take effect from and after its passage. *Takes effect.* [Approved by the Governor, February 25, 1852.]

An Act in addition to an Act to incorporate Ohabei Shalom.

Chap. 20

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. At all meetings of the corporation, legal members of the society, and none others, shall be entitled to vote. *Legal members only entitled to vote.*

SECT. 2. The said society may elect and remove members in such manner as they by their constitution and by-laws shall determine. *Society may elect and remove members, &c.*

4th sect. 129th
chap. statutes
1815 repealed.

Takes effect
when accept-
ed, &c.

SECT. 3. The fourth section of the one hundred and twenty-ninth chapter of the statutes of this Commonwealth, passed in the year one thousand eight hundred and forty-five, incorporating said Ohabei Shalom, is hereby repealed.

SECT. 4. This act shall take effect when the same shall have been accepted by a majority of the legal voters of the society. [Approved by the Governor, February 25, 1852.]

Chap. 21 An Act in addition to an Act to incorporate the Proprietors of the Commons, or Sheep-Pasture, in Beverly.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

1st section of
previous act
amended.

The first section of the act to incorporate the proprietors of the commons, or sheep-pasture, in Beverly, passed on the fifteenth day of May, in the year one thousand eight hundred and fifty-one, is hereby so far amended as to make the corporation created by said act, subject to the provisions of the forty-fourth chapter of the Revised Statutes, instead of the forty-third chapter thereof, as expressed in said section. [Approved by the Governor, February 25, 1852.]

Chap. 22 An Act to incorporate the Young Men's Benevolent Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Purpose.

Duties, liabilities,
&c.

May hold es-
tates of \$10,-
000 income.

SECT. 1. William R. Lawrence, Frederic W. Lincoln, Jr., and George A. Brown, their associates and successors, are hereby made a corporation for the purpose of relieving the destitute, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation, for the purpose aforesaid, may hold real and personal estate, the annual income of which shall not exceed the sum of ten thousand dollars. [Approved by the Governor, February 25, 1852.]

Chap. 23 An Act to incorporate the Trustees of the Howe School, in Billerica.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Marshall Preston, John Baldwin, William H. Odiorne, James R. Faulkner, Dudley Foster, George H. Whitman, and Amos Spaulding, and their successors, are

hereby made a corporation by the name of the Trustees of the Howe School, to exercise all the powers and perform all the duties derived from the will of the late Zadok Howe, of Billerica, physician, with all the rights and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and this act, not inconsistent with said will, or the possession, control, and management of the fund and estate therein bequeathed for the erection and maintenance of a school or academy in Billerica.

Rights, duties, liabilities, &c.

SECT. 2. The funds and estate devised by said will for the purposes of erecting and maintaining a school or academy under the direction of said trustees and their successors, shall be entitled to all the rights, privileges, and exemptions contained in the fifth section of the seventh chapter of the Revised Statutes, respecting the property of literary, benevolent, and charitable institutions.

Funds entitled to exemptions, &c.

SECT. 3. The said trustees and their successors may purchase and hold real estate to the value of twenty-five thousand dollars, and personal estate to the value of fifty thousand dollars, to be applied to the support of said school, as expressed in said will.

Trustees may hold estates of \$75,000 value.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, February 27, 1852.]

Takes effect.

An Act in addition to "An Act concerning Stockholders in Manufacturing Corporations." Chap. 24

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The provisions of the act concerning stockholders in manufacturing corporations, passed in the year one thousand eight hundred and fifty-one, shall not apply to any execution which has been issued, or may hereafter be issued in any action pending at the time when said act took effect.

Previous act not to apply to executions on pending actions.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, February 27, 1852.]

Takes effect.

An act to incorporate the Haverhill Atheneum.

Chap. 25

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Frederick Hinckley, Joseph Bradley, Samuel Brainard, their associates and successors, are hereby made

Corporators.

a corporation for the maintenance of a library, and for other similar literary purposes, by the name of the Haverhill Atheneum, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the forty-fourth chapter of the Revised Statutes.

Powers, duties, &c.

May hold estates not exceeding \$5000.

SECT. 2. Said corporation may hold real and personal estate for the purposes aforesaid, to an amount not exceeding five thousand dollars. [*Approved by the Governor, February 27, 1852.*]

Chap. 26

An Act to incorporate the Temporary Home for the Destitute.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Edward Winslow, Thomas T. Bouvé, and Frederick D. Huntington, with their associates and successors, are hereby made a corporation by the name of the Temporary Home for the Destitute, for the purpose of affording shelter and support to children and other persons destitute of a home, until more permanent provision can be made for them; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in the forty-fourth chapter of the Revised Statutes.

Purpose.

Duties, &c.

May hold estates not exceeding \$10,000.

SECT. 2. The said corporation, for the purpose aforesaid, may hold real and personal estate, to an amount not exceeding ten thousand dollars. [*Approved by the Governor, February 27, 1852.*]

Chap. 27

An Act explanatory of the Acts relating to the Organization of the Board of Overseers of the University of Cambridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Quorum.

SECT. 1. The several acts relating to the organization of the Board of Overseers of Harvard College shall be so construed as to empower the said board to order and provide, by rule or by law, what number of the members thereof, not less than nine, shall constitute a quorum or legal meeting of the same.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 3, 1852.*]

An Act to incorporate the Lee Savings Bank.

Chap. 28

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William Porter, Leonard Church, F. Chamberlin, their associates and successors, are hereby made a corporation by the name of the Lee Savings Bank, to be established and located in the town of Lee, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. *[Approved by the Governor, March 5, 1852.]*

Corporators.
Duties, liabilities, &c.

An Act to remove all Disability to take and hold Real Estate by reason of Alienage. Chap. 29

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Aliens may take, hold, convey, and transmit real estate. *[Approved by the Governor, March 5, 1852.]*

An Act to change the name of the Middlesex Society of Husbandmen and Manufacturers. Chap. 30

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Middlesex Society of Husbandmen and Manufacturers shall, after the passage of this act, be called and known by the name of the Middlesex Agricultural Society. *[Approved by the Governor, March 8, 1852.]*

Middlesex Agricultural Society.

An Act to increase the Capital Stock of the Mansfield Coal and Mining Company. Chap. 31

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Mansfield Coal and Mining Company is hereby authorized to increase its capital stock by an amount not exceeding two hundred thousand dollars, and to issue the number of shares representing said increase, with power to make the whole or part of said increase, as may be determined by the stockholders at their next legal meeting, a preferred stock entitled to dividends not exceeding eight per

May increase not exceeding \$200,000, and issue shares.
May make whole or part preferred stock, &c.

cent per annum out of the first net earnings of the company : *provided*, four fifths of the stock shall be represented at said meeting ; *and provided, also*, that no shares be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. The increase of the above capital may be invested in real or personal property at the discretion of the directors of said company.

Provided, &c.

Increase, how
invested.

Debts not to
exceed \$100,-
000. Directors
liable for ex-
cess.

Takes effect.

SECT. 2. The whole amount of the debts of said company shall, at no time, exceed the sum of one hundred thousand dollars ; and in case it shall exceed that sum, the directors under whose administration it shall happen shall be jointly and severally liable, to the same extent and in the same manner, as is provided by the twenty-fifth section of the thirty-eighth chapter of the Revised Statutes, in cases where the debts of such corporations as are therein named, exceed in amount the capital stock actually paid in.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 8, 1852.*]

Chap. 32

An Act to incorporate the Danvers Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Powers, du-
ties, liabilities,
&c.

SECT. 1. William D. Northend, George J. Tenney, Asa Pingree, Joseph S. Black, and Gilbert Tapley, their associates and successors, are hereby made a corporation by the name of the Danvers Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all statutes subsequently passed relating to railroad corporations.

Location of
Road.

SECT. 2. The said corporation may construct and maintain a railroad, commencing at some convenient point on the line of the Danvers and Georgetown Railroad, in North Danvers, thence running through the towns of Reading, Lynnfield, and South Reading, or either of said towns, to unite with the Boston and Maine Railroad, or the South Reading Branch Railroad, at some convenient point in said South Reading ; with a right to cross the Essex and Salem and Lowell Railroads, and with authority to enter upon and use the said Danvers and Georgetown, Salem and Lowell, South Reading Branch Railroad, and Boston and Maine Railroads, or any portions of them according to law.

Authority to
cross on to
other roads.

Capital stock,
1000 shares,
\$100 each.

SECT. 3. The capital stock of the said corporation shall consist of one thousand shares of one hundred dollars each,

and no assessment shall be made thereon of a greater amount in the whole than one hundred dollars on each share; and no share in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued; and the said corporation may purchase and hold such real estate, materials, engines, and cars, and other things, as may be necessary for depots for the use of the said road, and for the transportation of persons, goods, and merchandise.

No assessments beyond \$100.
No share issued under par.

May hold real and personal estate.

SECT. 4. The said Danvers Railroad Company and the said Danvers and Georgetown Railroad Company are hereby authorized and empowered to unite, and form one company, whenever it shall be so voted by each company at meetings duly notified for that purpose; and when the said companies shall be so united, the stockholders of one company shall be stockholders in the other, and the two companies shall constitute one corporation under the name of the Danvers and Georgetown Railroad Company, and the said last mentioned company shall have all the franchises, property, powers, and privileges, and be subject to all the restrictions and liabilities, of the said companies respectively.

Roads authorized to unite.

When united shall be called, &c.

SECT. 5. If the location of the said railroad be not filed according to law within one year, and if the said railroad be not constructed within two years from the passage of this act, this act shall be void.

Location filed within one year, and constructed within two years.

SECT. 6. The Legislature may authorize any company to enter with another railroad upon the said railroad, at any point thereof, and use the same according to law.

Other companies may be authorized to enter, &c.

SECT. 7. The said corporation shall not commence the construction of their road, or any part thereof, until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company and a majority of the directors thereof, stating that all of the stock named in their charter has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share of the stock thereof has been actually paid into the treasury of the company.

Shall not commence till certificate has been filed with the secretary of State, and twenty per cent. paid in, &c.

SECT. 8. This act shall take effect from and after its passage. [Approved by the Governor, March 15, 1852.]

Takes effect.

An Act concerning Bills of Expenses against the Commonwealth.

Chap. 33

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No bill of expenses presented to the governor and council, by any commissioner or agent of the Com-

Items to be specified.

monwealth, shall be allowed and paid, unless the same shall specify the items composing such account.

Takes effect. SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1852.*]

Chap. 34 An Act in addition to an Act for establishing an Academy in the town of Framingham by the name of Framingham Academy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Power granted to treasurer of the town of Framingham. SECT. 1. The treasurer of the town of Framingham for the time being shall have and exercise all the powers and duties of treasurer and secretary of the inhabitants of said Framingham, as trustees of Framingham Academy, and the said treasurer shall have the same power of conveying real estate as is given to the secretary of the trustees of Framingham Academy by an act passed March first, in the year one thousand seven hundred and ninety-nine, establishing the Framingham Academy.

Takes effect. SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1852.*]

Chap. 35 An Act to protect the Fisheries in the Town of Barnstable and Marshpee District.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Seines, &c., prohibited. SECT. 1. No person shall set, draw, or stretch any seine or drag-net in Osterville harbor, or Popponessette bay, or any of the waters within the limits of the town of Barnstable or Marshpee district, on the southerly side, under a penalty of not less than ten dollars, nor more than one hundred dollars, to be recovered in any court proper to try the same, one half to the use of the said town, and the other half to any person who shall prosecute therefor.

Takes effect. SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1852.*]

Chap. 36 An Act to incorporate the Cambridge Gas-Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Charles C. Little, Isaac Livermore, and Gardner G. Hubbard, their associates and successors, are hereby made a corporation by the name of the Cambridge Gas-

Light Company, for the purpose of making and selling gas in the city of Cambridge, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Duties, liabilities, &c.

SECT. 2. The capital stock of said company shall not exceed three hundred thousand dollars; and said corporation may hold real estate not exceeding in value one hundred thousand dollars. Capital not to exceed \$300,000. Real estate not to exceed \$100,000.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. No shares issued under par.

SECT. 4. Said corporation, with the consent of the mayor and aldermen of the city of Cambridge, shall have power and authority to open the ground in any part of the streets, lanes, and highways in said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes, and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen for the time being, shall at all times have the power to regulate, restrict, and control all the acts and doings of said corporation which may in any manner affect the health, safety, and convenience of the inhabitants of the said city. Corporation, with consent, authorized to open the ground in streets, &c. To put the same in repair. *Proviso.* Mayor and aldermen have power to regulate, &c.

SECT. 5. This act shall take effect from and after its passage. *[Approved by the Governor, March 15, 1852.]* Takes effect.

An Act to define Felony.

Chap. 37

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any crime which now is, or hereafter may be, punishable by death or imprisonment in the State prison, shall be considered felony; and no other crime shall be so considered. Felony.

SECT. 2. In all cases now pending, and in the prosecution of all offences heretofore committed, the form of proceedings and the extent of the punishment shall be the same as if this act had not been passed. Crimes already committed—proceedings.

SECT. 3. It shall not be necessary to allege in any indictment, that the offence charged is a felony or felonies, or done feloniously; nor shall any indictment be quashed or deemed invalid by reason of the omission of the words "felony," "felonious," or "feloniously." *[Approved by the Governor, March 15, 1852.]* Indictments not to be quashed, &c.

Chap. 38 An Act in addition to an Act to incorporate the Hamilton Mutual Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Former act partially repealed.

SECT. 1. So much of the act to incorporate the Hamilton Mutual Insurance Company as relates to the Essex Mutual Fire Insurance Company, is hereby repealed.

Essex Mechanics' Mutual Fire Ins. Company.

SECT. 2. The members of the Essex Mechanics' Mutual Fire Insurance Company, in Salem, are hereby constituted members of the Hamilton Mutual Insurance Company, on the terms and conditions prescribed and set forth in the act to incorporate said Hamilton Mutual Insurance Company.

When to take effect.

SECT. 3. This act, and that to which it is in addition, shall take effect whenever it shall be accepted by the members of the corporations mentioned in said acts. [Approved by the Governor, March 17, 1852.]

Chap. 39 An Act to authorize John Pew to extend his Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Upper cove, Gloucester.

SECT. 1. John Pew is hereby authorized to extend his wharf in the "upper cove," in the harbor of Gloucester, seventy feet from low-water mark; and he shall have the right to lay vessels at the end and sides of the said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in nowise impair the legal rights of any person whatever.

Right of wharfage.

Proviso.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 18, 1852.]

Chap. 40 An Act to authorize the Troy and Greenfield Railroad Company to hold its Annual Meeting in April.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Directors may designate any day in April.

SECT. 1. The Troy and Greenfield Railroad Company are hereby authorized to hold their annual meeting for the current year, for the choice of officers and the transaction of such other business as may be specified in the warrant therefor, at such time during the month of April as the directors may designate, anything in the by-laws of said company to the contrary notwithstanding.

SECT. 2. Notice of said meeting shall be given in the manner prescribed by the by-laws of said company.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 18, 1852.*]

An Act in addition to an Act to facilitate the settlement of Estates of Persons Deceased. Chap. 41

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Nothing in the act passed on the fifteenth day of May, in the year one thousand eight hundred and fifty-one, and entitled "An Act to facilitate the settlement of Estates of Deceased Persons," shall be deemed to deprive executors and administrators of the right to transfer at pleasure, deeds of mortgage, and the real estate thereby conveyed, and the debts thereby secured, either before or after possession shall have been taken for foreclosure of the same; and all such transfers heretofore made without license of court, and all titles to real estate held under such transfers, are hereby fully ratified and confirmed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1852.*]

An Act authorizing the Mansfield Coal and Mining Company to construct a Railroad. Chap. 42

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Mansfield Coal and Mining Company are hereby authorized to locate and construct a railroad, commencing near the present pit of said company in the town of Mansfield, or any other pit which they may sink upon their land in said town, and running to some convenient point on the Boston and Providence Railroad, in said town of Mansfield, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof, and in all subsequent statutes relating to railroad corporations.

SECT. 2. The said company are hereby authorized to expend of their capital stock such sum as shall be necessary for the construction and equipment of said railroad.

SECT. 3. Said company is authorized to make contracts with the Boston and Providence Railroad Corporation for furnishing motive power and cars, and operating the road

Executors and administrators not deprived of the right to transfer mortgages, &c.

Takes effect.

Location of road.

Duties, liabilities, &c.

Authorized to expend of the capital stock.

May make contracts with the Boston and Providence R. Road.

hereby authorized to be built, and for the transportation of coal brought on said road, and to be carried over any part of said Boston and Providence Railroad.

Location to be
filed within
three years.

SECT. 4. If the location of said road be not filed according to law within three years from the passage of this act, this act shall be void. [*Approved by the Governor, March 26, 1852.*]

Chap. 43 An Act to authorize the Organization of the Lawrence Machine-Shop.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. J. Wiley Edmands, Andrew T. Hall, Charles S. Storrow, N. Appleton, Robert Hooper, Ignatius Sargent, and their associates, are hereby authorized to organize a corporation by the name of the Lawrence Machine-Shop, for the purpose of manufacturing machinery in the town of Lawrence, according to the provisions of "An Act relating to Joint-Stock Companies," passed in the year one thousand eight hundred and fifty-one, with a capital stock of not less than two hundred thousand dollars nor more than seven hundred and fifty-thousand dollars, anything in that act to the contrary notwithstanding.

Purpose.

Capital not
less than
\$200,000 nor
more than
\$750,000.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1852.*]

Chap. 44 An Act in relation to the State Lunatic Hospital.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lunatic In-
dians.

The judges of probate in the several counties of the Commonwealth shall have the same authority to commit lunatic Indians, resident within their respective counties, to the State Lunatic Hospital, as they now have in regard to other persons. [*Approved by the Governor, March 26, 1852.*]

Chap. 45 An Act in addition to an Act to incorporate the American Antiquarian Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Amount of
real and per-

SECT. 1. The American Antiquarian Society is hereby authorized and empowered to hold for the purposes for

which said society was incorporated, real estate, the annual income of which shall not exceed the sum of five thousand dollars, and personal estate, which, exclusive of books, papers, and articles in its cabinet, shall not exceed the sum of one hundred thousand dollars. sonal estate specified.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 26, 1852.]* Takes effect.

An Act concerning Police Courts.

Chap. 46

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The several police courts in the Commonwealth may exercise all the powers, and perform all the duties, given to and required of, justices of the peace by the laws of this Commonwealth, in and for the several counties in which said courts are respectively located.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 26, 1852.]*

An Act extending the time for the location and construction of the Railroad of the Midland Railroad Company. Chap. 47

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time fixed by the act incorporating the Midland Railroad Company, for the construction of said Railroad, is hereby extended two years. Two years.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 26, 1852.]* Takes effect.

An Act to prevent the destruction of Shad and Alewives in the Saugus River and its tributary streams within the city of Lynn. Chap. 48

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city council of the city of Lynn is hereby empowered and directed, in the month of April or May annually, to choose five persons, inhabitants of said city, to see that the laws respecting the passage-ways for shad and alewives be observed; and each person so chosen shall be sworn to the faithful discharge of his duty. And the said committee, or a major part of them, are hereby authorized and empowered to order the times, places, and manner in City council of Lynn to appoint a committee of five, who shall be sworn, &c.
Committee shall regulate the time of fishing, &c.

which said fish may be taken in Saugus River and streams in said city: *provided*, however, that no person shall be allowed to take said fish as aforesaid more than three days in any one week: *and provided, also*, that the taking of said fish shall not be prohibited more than four days in any one week. And the regulations which shall be so agreed upon by said committee, shall be written and posted in three public places, or published in a newspaper in said city.

Proviso.
Regulations to be published.
Owners of dams, &c., may be required to open passage-ways, &c., from April 1 to June 20.

Further powers of the committee.

Fine for obstructing passage-way, &c.

Penalty for taking fish, &c.

Penalty for non-resident offenders.

SECT. 2. The said committee, or a majority of the members, are hereby authorized and empowered to require of the owner or occupant of any dam or sluice-head of any mill erected, or that may be erected over said river or stream, to open and keep therein a sufficient passage-way for such fish, at such time, between the first day of April and the twentieth day of June, annually, as the said committee or the major part of them shall think necessary; and may also require of the owner or occupant of any canal or course, whereby any natural stream is or shall be in part changed or altered, to leave sufficient water in the natural stream for the easy and safe passage of said fish; and upon neglect or refusal of such owner or occupant of any dam, sluice-head, or canal as aforesaid, to comply with this act, the said committee, or major part of them, shall and may cause sufficient passage-way and opening as they shall judge necessary for the purposes aforesaid, to be made in such dam, sluice-head, or canal, with the least prejudice to the owner or occupant, and at his expense. And such passage-way and opening shall and may be continued at the discretion of said committee, from the time they shall order the same, as aforesaid, and until they shall order or permit the closing of the same, between the days above named. And if any person shall obstruct the passage-way or opening required or allowed by said committee, or the major part of them, as aforesaid, or in any manner obstruct the passage of said fish, or put, or cause, or suffer to be put in either of said streams any noxious substance whereby said fish may be destroyed, or their passage hindered, such offender shall forfeit and pay a sum not exceeding twenty dollars for each offence.

SECT. 3. If any person or persons shall be found taking any of the aforesaid fish on any day, or in any place, or in any manner contrary to the regulations of the said committee, or of the provisions of this act, or of otherwise killing or wasting such fish, such offender shall forfeit and pay a sum not exceeding ten dollars, nor less than one dollar for each offence.

SECT. 4. If any person, not a resident of the city of Lynn, shall take any fish from either of said streams within

said city, he shall forfeit and pay a sum not exceeding twenty dollars for each offence.

SECT. 5. It shall be the duty of said committee to see the observance of this act, and they shall have authority therefor to go upon the land bordering upon the said river or streams, and shall not be considered as trespassers therein. And any person who shall molest said committee or either of them, in the execution of the duties of their office, shall forfeit and pay a sum not exceeding ten dollars nor less than one dollar.

Committee not trespassers while discharging their duties.

Fine for molesting committee.

SECT. 6. All fines and forfeitures given by this act may be recovered by complaint or information in the police court of said city, and to the use of said city; and all costs incurred therein, if not otherwise recovered, shall be paid by said city.

Fines, how recovered.

Costs, &c., how paid.

SECT. 7. All acts and parts of acts heretofore made, which are inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

SECT. 8. This act shall take effect from and after its passage. [Approved by the Governor, March 26, 1852.]

Takes effect.

An Act to incorporate Mount Hollis Seminary.

Chap. 49

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

George F. Walker, Timothy Walker, Joshua T. Tucker, their associates and successors, are hereby incorporated by the name of Mount Hollis Seminary, to be established in the town of Holliston, in the county of Middlesex, with the powers and privileges, and subject to the duties and liabilities, provided in chapter forty-fourth of the Revised Statutes, with power to hold real and personal estate not exceeding in value fifty thousand dollars, to be devoted exclusively to the purposes of education. [Approved by the Governor, March 26, 1852.]

Corporators.

Powers, duties, &c.

Capital not exceeding \$50,000. For educational purposes.

An Act to authorize Jesse Small to extend and maintain a Wharf in Provincetown.

Chap. 50

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jesse Small is hereby authorized to build and maintain a wharf from his land, adjoining the harbor of Provincetown, and to extend the same to five feet of water at low tide; and he shall have the right to lay vessels at the said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall in nowise impair the legal rights of any person. [Approved by the Governor, March 26, 1852.]

Chap. 51 An Act giving concurrent jurisdiction to the Supreme Judicial Court and Court of Common Pleas in certain cases.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The supreme judicial court shall have concurrent jurisdiction with the court of common pleas in all cases of writs of entry for the foreclosure of mortgages.

SECT. 2. All actions for the foreclosure of mortgages now pending, and which have been removed from the court of common pleas to the supreme judicial court and entered therein, shall be and remain in said court, and be proceeded in, any act of this Commonwealth to the contrary notwithstanding.

SECT. 3. The court of common pleas shall have concurrent jurisdiction with the supreme judicial court in all actions respecting easements on real estate. [Approved by the Governor, March 26, 1852.]

Chap. 52 An Act to continue in force an Act to incorporate the Lynn Mechanics' Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter extended to twenty years from January 23, 1853.

Liabilities, &c.

Section repealed of former act.

SECT. 1. The act to incorporate the Lynn Mechanics' Fire and Marine Insurance Company, passed on the twenty-third day of January, one thousand eight hundred and thirty-three, shall be and remain in force for the term of twenty years from the twenty-third day of January, one thousand eight hundred and fifty-three; and said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent acts relating to insurance companies.

SECT. 2. Section third of the act aforesaid, incorporating said Lynn Mechanics' Fire and Marine Insurance Company, is hereby repealed. [Approved by the Governor, March 26, 1852.]

Chap. 53

An Act to incorporate the Town of Winthrop.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boundaries of the town of Winthrop.

SECT. 1. That portion of the town of North Chelsea, lying southerly of a creek called "The Short Beach Creek," said

creek beginning at a point at the river which divides Belle Isle from North Chelsea—said point being south, twenty degrees east from the dwelling-house of James P. Sale, and east ten degrees north from Bunker Hill Monument, thence running east thirty-five degrees north forty-eight rods, thence running north fifteen degrees east thirty-two rods, thence running east thirty degrees south fourteen rods, thence running east forty degrees north twenty-three rods to the inside of the short beach, thence east thirty degrees north eight rods to high-water mark, and into Lynn bay, is hereby incorporated into a town by the name of Winthrop, and the inhabitants of the said town of Winthrop are hereby invested with all the powers and privileges, and shall be subject to the duties and requisitions of other incorporated towns, according to the constitution and laws of this Commonwealth.

Powers, liabilities, &c.

SECT. 2. The inhabitants of said town of Winthrop shall be holden to pay all arrears of taxes which have been assessed upon them by the town of North Chelsea, and the said town of Winthrop shall be holden to pay their proportion of the debts due and owing by said town of North Chelsea, and also their proportion of the money appropriated, or which may be necessary to build the Boatfield and Coolidge roads, in the year one thousand eight hundred and fifty-two, and shall be entitled to receive of the town of North Chelsea their proportion of all the corporate property now owned by said town of North Chelsea, such proportion to be ascertained by the last valuation of said town of North Chelsea, and the said town of North Chelsea shall incur no liability for the said town of Winthrop after the passage of this act.

Inhabitants bound to pay arrearages of taxes, &c.

Also, their proportion of certain moneys appropriated.

Winthrop receives its proportion of the corporate property of North Chelsea, and no further liability to be incurred.

SECT. 3. The said towns of North Chelsea and Winthrop shall be respectively liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained or derived from a settlement gained or derived within their respective limits.

Support of paupers provided for.

SECT. 4. In case the towns of North Chelsea and Winthrop shall disagree in respect to a division of paupers, town property, or town debts, the court of common pleas of the county of Suffolk are hereby authorized to and shall, on application of said towns of North Chelsea and Winthrop, appoint three disinterested persons to hear the parties and award thereon, which award, when accepted by said court, shall be final.

Referees to be appointed in case of difference.

SECT. 5. The town of Winthrop shall, for the purpose of electing representatives to the General Court until the next decennial census, or until another apportionment of representatives be made, remain a part of the said town of

Winthrop to remain a part of N. Chelsea for choice of representatives.

tives until
next census,
&c.

North Chelsea, and vote at such place as the inhabitants of said North Chelsea hold their meeting for the election of representatives.

Justice of
peace may is-
sue warrant for
meeting for
choice of town
officers.

SECT. 6. Any justice of the peace in the county of Suffolk is hereby authorized to issue his warrant to any principal inhabitant of the town of Winthrop, requiring him to warn the inhabitants of said town to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

Takes effect.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 27, 1852.*]

Chap. 54

An Act authorizing Arbitrators, Referees, and Auditors to administer Oaths.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Arbitrators, referees, and auditors, appointed according to law, are authorized to administer oaths or affirmations to all witnesses who may appear to testify respecting any matters depending before them. [*Approved by the Governor, March 27, 1852.*]

Chap. 55

An act for the Voluntary Closing of Corporations.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Supreme court
may hear the
matter and de-
cree dissolu-
tion of a cor-
poration.

SECT. 1. Whenever a majority in number or interest of the members of any corporation shall desire to close their concerns, they may apply by petition to the supreme judicial court, setting forth in substance the grounds of their application, and said court, after due notice to all parties interested, may proceed to hear the matter, and for reasonable cause, decree a dissolution of such corporation.

Court may ap-
point receivers
or trustees.

SECT. 2. Upon such decree being made, said court may, at their discretion, appoint one or more persons to be receivers or trustees, of and for such corporation, in like manner and with the like powers and duties as provided in sections eight and ten of chapter forty-four of the Revised Statutes ; and said court shall have like jurisdiction of, and powers in, such application, and all questions arising in the proceedings thereon, as provided in section nine of said chapter forty-four.

Powers, du-
ties, &c.

Corporations
so dissolved,

SECT. 3. All corporations so dissolved by decree, as aforesaid, shall be deemed and held extinct in like manner,

to the same extent, and with like effect, as if their charters had expired by their own limitation. deemed extinct, &c.

SECT. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. *[Approved by the Governor, March 27, 1852.]* Acts repealed.

An Act in addition to "An Act concerning Cemeteries."

Chap. 56

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any ten or more persons, being a majority in interest of the proprietors of any cemetery desirous of organizing said proprietors as a corporation, may do so in the manner provided in the forty-third chapter of the Revised Statutes. Ten or more persons may organize as a corporation.

SECT. 2. Every such corporation shall have the rights, privileges, and powers, and be subject to the duties, regulations, and liabilities, contained in the first sixteen sections of said forty-third chapter, and also in the act concerning cemeteries, passed in the year one thousand eight hundred and forty-one, to which this act is in addition: *provided*, that nothing herein contained shall authorize said corporation to make sale of or shall impair the right of any proprietor of said cemetery. *[Approved by the Governor, March 27, 1852.]* Powers, duties, &c. Proviso.

An Act to authorize the organization of a corporation by the name of the American Linen Manufacturing Company.

Chap. 57

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Richard Borden, Jefferson Borden, Oliver S. Hawes, and their associates, are hereby authorized to organize a corporation by the name of the American Linen Manufacturing Company, for the purpose of manufacturing, bleaching, and finishing linen goods, in the town of Fall River in the county of Bristol, according to the provisions of the one hundred and thirty-third chapter of the acts of the year one thousand eight hundred and fifty-one, entitled "An Act relating to Joint-Stock Companies," with a capital stock of not less than two hundred thousand dollars, nor more than five hundred thousand dollars, anything contained in said act to the contrary notwithstanding. Corporators. Capital not less than \$200,000, nor more than \$500,000.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 27, 1852.]* Takes effect.

Chap. 58

An Act to incorporate the Union Marine Railway.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Charles A. Hannum, Stephen Nickerson, Alfred Nickerson, their associates and successors, are hereby made a corporation, by the name of the Union Marine Railway, in Provincetown, for the purpose of constructing and maintaining a railway, suitable for repairing vessels, at Union wharf in Provincetown; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

In Provincetown.

Purpose, duties, &c.

May hold real and personal not exceeding \$20,000.

Proviso.

SECT. 2. The said corporation may hold real and personal estate, necessary for the purpose aforesaid, not exceeding in amount twenty thousand dollars; *provided*, that no shares in said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value thereof, when first issued.

Shall not impair legal rights.

SECT. 3. This act shall in nowise impair the legal rights of any person whomsoever. [*Approved by the Governor, March 27, 1852.*]

Chap. 59

An Act to incorporate the Cary Improvement Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John H. Wilkins, James Sturgis, John Gardner, their associates and successors, are hereby made a corporation by the name of the Cary Improvement Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Duties, liabilities, &c.

May hold certain real estate.

SECT. 2. Said corporation may purchase and hold the whole or any part of certain real estate in Chelsea described in the deed of Charles S. Cary to Joseph W. Clark, dated September first, one thousand eight hundred and fifty-one, and recorded with Suffolk deeds, liber six hundred and twenty-five, folio one hundred and eighty, and may grade and prepare the same for sale, and sell and convey the whole or any part thereof.

May improve, sell, and convey, &c.

Capital not to exceed \$300,000.

No stock issued under par.

Takes effect.

SECT. 3. The capital stock of said corporation shall not exceed three hundred thousand dollars, and no shares in the capital stock shall be issued for a less sum or amount to be paid in on each than the par value of the shares first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 27, 1852.*]

An Act to incorporate the East Boston Library Association.

Chap. 60

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James B. Allen, Joseph Robbins, and Benjamin Pond, their associates and successors, are hereby made a corporation by the name of the East Boston Library Association, to be established in that part of the city of Boston called East Boston, in the county of Suffolk, for the purpose of instituting and maintaining a library and reading-room, advancing useful arts and sciences, and promoting public instruction, by lectures or otherwise, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Corporators.
Purpose.
Powers, &c.

SECT. 2. Said corporation may hold real and personal estate to an amount not exceeding in the whole the sum of seventy-five thousand dollars, the income of which shall be devoted to the aforesaid purposes. Capital not exceeding \$75,000. *[Approved by the Governor, March 27, 1852.]*

An Act to incorporate the Lynnfield Mutual Fire Insurance Company.

Chap. 61

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel N. Newcomb, Levi H. Russell, William R. Roundy, their associates and successors, are hereby made a corporation by the name of the Lynnfield Mutual Fire Insurance Company, to be established in the town of Lynnfield, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all subsequent laws of the Commonwealth relating to mutual fire insurance companies. Corporators.
Powers, duties, &c.

SECT. 2. No policy shall be issued till the sum of fifty thousand dollars shall have been subscribed to be insured. No policy issued until, &c. *[Approved by the Governor, March 27, 1852.]*

Chap. 62 An Act to extend the time for the erection of a Dam across Bayley's Creek, in the Town of Cohasset.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time extended to 29th April, 1854.

The time in which Charles B. Sawyer and Stephen M. Allen are, by an act entitled "An Act to authorize Charles B. Sawyer and Stephen M. Allen to erect a dam across Bayley's Creek," enacted on the twenty-ninth day of April, in the year one thousand eight hundred and fifty, required to build said dam, is hereby extended to the twenty-ninth day of April, in the year one thousand eight hundred fifty-four. [*Approved by the Governor, March 27, 1852.*]

Chap. 63 An Act relating to the Annual Meeting in the Town of Sandwich for the Year One Thousand Eight Hundred and Fifty-two.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Collectors of taxes authorized to make certain returns.

SECT. 1. The collectors of taxes in the town of Sandwich are hereby authorized to make the returns required by section third of chapter third of the Revised Statutes, at any time not less than seven days before the first Monday of April next; and the selectmen of said town are also hereby authorized to make out the lists required by section fifth of said chapter, from the returns of the collectors as above made, and to cause them to be posted up five days before the said first Monday of April next in two or more public places in said town.

Selectmen to make out certain lists, and post the same, &c.

List of voters to be used at annual meeting in April next.

SECT. 2. The list of voters thus made out, may be used in the annual meeting of said town, to be holden on the first Monday of April next; and the election of all town officers, and the transaction of all business at said meeting, shall be as valid as it would have been had the returns of the collectors and the lists of the selectmen been made, as required by the provisions of chapter third of the Revised Statutes.

Shall be valid, &c.

Takes effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 27, 1852.*]

An Act to prevent the wilful injury of Bank-Bills.

Chap. 64

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any person who shall be convicted of wilfully and maliciously tearing, cutting, or in any other manner damaging and impairing the usefulness for circulation of any bank-bill, or note of any bank in this Commonwealth, shall be punished by a fine not exceeding ten dollars for each offence, to be recovered by complaint before any justice of the peace or police court: *provided*, that the possession or uttering of any bill so injured shall not be considered evidence of its having been so injured by the person in whose possession it is found; unless connected with circumstances tending to prove that the bill was so injured by the person holding or uttering the same. [Approved by the Governor, March 27, 1852.]

Penalty for mutilating bank bills.

How recovered.
Proviso.

An Act to increase the Capital Stock of the Salem Steamboat Company. Chap. 65

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Salem Steamboat Company is hereby authorized to increase its capital stock by adding thereto an amount not exceeding thirty thousand dollars; and said company may hold real estate not exceeding in amount twenty thousand dollars: *provided*, that no shares in said capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued. [Approved by the Governor, March 27, 1852.]

Increase not exceeding \$30,000.

Proviso.

An Act to regulate the setting of Mesh Nets in North River.

Chap. 66

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No person or persons shall set or cast any mesh net across North River, so called, in the county of Plymouth, so as to prevent the free passage of fish up or down said river, on any days excepting Mondays, Wednesdays, and Fridays of each week, from sunrise to sunset of said days.

When nets may be set.

SECT. 2. All laws restricting and regulating the setting of seines in said North River, shall apply to the setting of mesh nets in said river. [Approved by the Governor, March 27, 1852.]

Chap. 67 An Act to authorize the construction of a Railroad Track in the Town of Fall River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors of Fall River wharf authorized to construct a railroad track.	SECT. 1. Nathan Slade, Abner Slade, and Nathaniel B. Borden, proprietors of the wharf in Fall River known as the Fall River Wharf, their successors and assigns, for the purpose of facilitating the transportation of merchandise to and from said wharf, are hereby authorized to construct and maintain a railroad track, commencing upon said wharf, and from thence extending by a curved line easterly and northerly across a public street or highway to, and to connect with the Fall River at a point near the range of the northerly line of land connected with said wharf, and belonging to said proprietors.
Location.	
Crossing provided for.	SECT. 2. A good and sufficient crossing at said street, or highway, for teams and carriages, shall be maintained by the proprietors aforesaid; and in arranging the same they shall be subject to such rules and requirements as by the selectmen of the town of Fall River may be deemed reasonable and necessary.
Connection with Fall River Railroad.	SECT. 3. The connection with the Fall River Railroad shall be in such manner, and upon such terms, as may be mutually agreed upon by said proprietors with the Fall River Railroad Company. [<i>Approved by the Governor, March 27, 1852.</i>]

Chap. 68 An Act to incorporate the Flax Pond Fishing Company, in Dennis.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.	SECT. 1. James Howes, William Crowell, 2d, John Gorham, their associates and successors, are hereby made a corporation by the name of the Flax Pond Fishing Company, in Dennis, and are empowered to open a brook, or outlet, from Flax pond to Sesuit creek, so called, and also improve Sesuit creek (into which said pond empties) to the sea, so far as may be necessary for the purpose of an alewife fishery, and to regulate the same, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes.
Purpose.	
Powers, duties, restrictions, &c.	
Penalty for violating this act.	SECT. 2. If any person, without permission of the corporation, shall take, catch, or haul on shore, any alewives in said pond, or brook, or creek, or outlet so made, the per-

son so offending shall forfeit, and pay, for the use of said corporation, a sum not exceeding two dollars, if the quantity so taken be less than one barrel, but, if said quantity be more than one barrel, the person so offending shall forfeit and pay, for each and every barrel of fish so taken, five dollars, to be recovered in any court proper to try the same.

SECT. 3. If any damage shall be done by said corporation to the property of any individual, such individual shall be entitled to reasonable indemnity for the damage done him. Indemnity to be made for damage.

SECT. 4. Any inhabitant of the town of Dennis shall be entitled to the privilege of becoming a member of said corporation: *provided*, application is made therefor within three months from the passage of this act: *and provided, also*, *Proviso.* that said applicants pay their proportion of the expenses which shall have accrued to said corporation. Inhabitants of Dennis may become members.

SECT. 5. If the said corporation shall neglect to execute and complete the improvements provided for in this act within three years from the passage thereof, then the same shall be void and of no effect. Forfeiture of charter.

SECT. 6. This act shall take effect from and after its passage. *[Approved by the Governor, March 27, 1852.]* Takes effect.

An Act to authorize the organization of the "American Tube Works" Corporation. Chap. 69

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joseph Cotton, William E. Coffin, Holmes Hinkley, Joseph E. Cotton, Daniel F. Childs, and their associates, are hereby authorized to organize a corporation by the name of the "American Tube Works," for the purpose of manufacturing brass and copper tubes, and other brass and copper work, in the town of Somerville, in the county of Middlesex, according to the provisions of the one hundred and thirty-third chapter of the acts of the year one thousand eight hundred and fifty-one, entitled "An Act relating to Joint-Stock Companies," with a capital stock of not less than two hundred thousand dollars, nor more than three hundred thousand dollars, anything in said act to the contrary notwithstanding. Corporators.
Capital not less than \$200,000 nor more than \$300,000.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 30, 1852.]* Takes effect.

Chap. 70 An Act to incorporate the proprietors of the Odd Fellows Hall in the City of Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Joseph L. Drew, Alfred Mudge, Hezekiah Prince, their associates and successors, are hereby made a corporation by the name of the "Proprietors of the Odd Fellows Hall in the City of Boston," for the purpose of providing and maintaining a building in said city suitable for lectures, a library, and the meetings of said proprietors, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, duties, &c.

May hold SECT. 2. Said corporation may, for the purposes afore-
\$100,000 real, said, hold real estate not exceeding in value one hundred
and \$25,000 thousand dollars, and personal estate not exceeding twenty-
personalestate. five thousand dollars. [*Approved by the Governor, March 30, 1852.*]

Chap. 71 An Act to incorporate the Westfield Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. Norman T. Leonard, William G. Bates, Edward B. Gillett, their associates and successors, are hereby made a corporation by the name of the Westfield Mutual Fire Insurance Company, in the town of Westfield in the county of Hampden, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all laws subsequently passed relating to mutual fire insurance companies.

Term, twenty-eight years.

Powers, liabilities, &c.

When commence- SECT. 2. No policy shall be issued till the sum of one
insurance. hundred thousand dollars shall have been subscribed to be insured. [*Approved by the Governor, March 30, 1852.*]

An Act to incorporate the Beverly Insurance Company.

Chap. 72

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William H. Lovett, Alpheus Davis, Josiah L. Foster, their associates and successors, are hereby made a corporation, by the name of the Beverly Insurance Company, in Beverly, for the term of twenty years, for the purpose of making insurance against maritime losses, on the principle of mutual insurance, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

Corporators.

Purpose, mutual insurance.

Duties, &c.

SECT. 2. No policy shall be issued by said company until the sum of fifty thousand dollars shall be subscribed to be insured; and no division of the profits of the company shall be made so long as the company shall be liable on any policy.

No policy issued until, &c.

SECT. 3. On receiving from the subscribers thereto a capital of thirty thousand dollars, said company may issue policies other than on the mutual principle, subject to all the duties, liabilities, and restrictions, and with all the powers and privileges, set forth in the thirty-seventh chapter of the Revised Statutes, and in subsequent acts relating to insurance companies.

When may make other insurance, &c.

Restrictions, &c.

SECT. 4. The capital of said company may be increased to a sum not exceeding one hundred thousand dollars. [Approved by the Governor, March 30, 1852.]

Capital, \$100,000.

An Act to incorporate the "Boston Young Men's Christian Association."

Chap. 73

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Francis O. Watts, Stephen G. Deblois, Charles T. Russell, their associates and successors, are hereby made a corporation by the name of the "Boston Young Men's Christian Association," in the city of Boston, for the purpose of improving the spiritual and mental condition of young men, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Purpose.

SECT. 2. Said corporation may hold real and personal estate to an amount not exceeding forty thousand dollars. [Approved by the Governor, March 30, 1852.]

Capital, \$40,000.

Chap. 74 An Act to authorize William Thurston and James C. Coleman to extend their wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend to
Central wharf
and Brown's
wharf.

William Thurston and James C. Coleman, proprietors of a wharf in Newburyport lying between Central wharf and Brown's wharf, are hereby authorized to extend their wharf into the river as far as the said Central wharf and Brown's wharf are now extended: *provided*, that the extension beyond their present structure shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and they shall have the right to lay vessels at said wharf and receive wharfage and dockage therefor: *provided*, this act shall not impair the legal rights of any person. [Approved by the Governor, March 30, 1852.]

Chap. 75 An Act concerning Judicial Proceedings in the county of Dukes county.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any justice
may issue ve-
nires in certain
cases.

SECT. 1. In any suit now pending, or which may hereafter be brought, in the county of Dukes, wherein the inhabitants of any town in said county are disqualified by law from acting as jurors, any justice of the court of common pleas in which such action may be pending, as well in term time as in vacation, may issue an order to the clerk of said court, to issue writs of *venire facias* for a sufficient number of jurors to try such causes, from any town whose inhabitants are not so disqualified; and the clerk shall issue his *venire facias* accordingly.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 30, 1852.]

An Act relating to Bonds.

Chap. 76

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bonds, &c.,
made negotia-
ble like pro-
missory notes.

All bonds and other obligations, under seal for the payment of money purporting to be payable to the bearer, or some person designated, or bearer, or payable to order, which have been or hereafter shall be issued by any corporation or joint-stock company, are hereby made negotiable in the same manner and to the same extent as promissory notes are now negotiable. [Approved by the Governor, March 30, 1852.]

An Act extending the times for Locating and Constructing the Mount Pleasant Branch Railway. Chap. 77

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The times within which the Mount Pleasant Branch Railway Company may locate and construct its road, are hereby respectively extended one year beyond the times now fixed by law. [Approved by the Governor, March 30, 1852.] One year.

An Act to incorporate the Marsh Bank Wharf Company.

Chap. 78

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Valentine Doane, Gilbert Smith, Elbridge G. Doane, their associates and successors, are hereby made a corporation by the name of the Marsh Bank Wharf Company, in Harwich, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Corporators.
Powers, liabilities, &c.

SECT. 2. Said company are hereby authorized to extend their wharf in said Harwich one hundred feet into the harbor, and may lay vessels thereat and receive wharfage and dockage therefor: *provided*, this grant shall not impair the legal rights of any person. Wharfage, &c.

SECT. 3. Said company may hold real and personal estate, necessary for the purpose aforesaid, not exceeding in amount six thousand dollars, in such shares as may be convenient: *provided*, that no shares shall be issued for a less sum, or amount, to be paid in on each, than the par value of the shares first issued. May hold real and personal estate.
Proviso.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, March 30, 1852.] Takes effect.

An Act to incorporate the Fitchburg Agricultural Society.

Chap. 79

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Nathaniel Wood, Ivers Phillips, and Abel F. Adams, their associates and successors, are hereby made a corporation by the name of the Fitchburg Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Fitchburg, in the county of Worcester, with all the powers and privileges, Corporators.
Purpose.

Liabilities, &c. and subject to all the duties, liabilities, and restrictions, set forth in the forty-second and forty-fourth chapters of the Revised Statutes, and in all subsequent acts concerning agricultural societies; and said corporation may hold and manage real estate not exceeding in value fifteen thousand dollars, and personal estate not exceeding the same sum, for the purposes aforesaid. [*Approved by the Governor, March 30, 1852.*]

May hold \$15,000 real estate and \$15,000 personal.

Chap. 80

An Act providing for the Enlargement of the State Reform School.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Trustees may apply the bequests of Theodore Lyman for enlarging the buildings, &c.

SECT. 1. The trustees of the State Reform School at Westborough, are hereby authorized to apply any part of the bequests of the late Theodore Lyman, made for the benefit of said school, to the purpose of adding to or enlarging the buildings thereto belonging, to such an extent that they may accommodate two hundred and fifty additional inmates, and to the proper furnishing the same: *provided*, such expenditure shall not exceed the sum of fifty thousand dollars.

Proviso.

When the enlargement is made additional accommodations shall be provided for juvenile offenders.

SECT. 2. When said addition, or enlargement, shall be completed, the said trustees shall provide for the reception of juvenile offenders to the extent of such additional accommodations, under the same rules and regulations as are now by law established in reference to commitments to said reform school. [*Approved by the Governor, March 30, 1852.*]

Chap. 81

An Act to incorporate the Mount Vernon Cemetery Association.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John D. Lovell, Cephas Muzzy, John Lawrence, their associates and successors, are hereby made a corporation by the name of the Mount Vernon Cemetery Association, for the purpose of establishing and perpetuating a place of burial of the dead, to be located in the town of West Boylston, in the county of Worcester, and shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

West Boylston.

May hold \$2000 in estates.

SECT. 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two thousand dollars. [*Approved by the Governor, March 31, 1852.*]

An Act to change the name of The Paper Manufacturers' Mutual Insurance Company. *Chap. 82*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Paper Manufacturers' Mutual Insurance Company shall hereafter be called and known by the name of The Western Massachusetts Insurance Company. [Approved by the Governor, March 31, 1852.]

An Act concerning the Mariner's Mutual Marine Insurance Company. *Chap. 83*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time within which the Mariner's Mutual Marine Insurance Company are by law required to notify the secretary of the Commonwealth of their acceptance of the act incorporating said company, is hereby extended for one year, from the twentieth day of May, one thousand eight hundred and fifty-two. [Approved by the Governor, March 31, 1852.] *Time extended one year.*

An Act to provide for the Preservation and Management of the Sartell School Fund in the Town of Groton. *Chap. 84*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of school district number seven, in the town of Groton, in the county of Middlesex, shall annually, in the month of March or April, elect by ballot five persons, who shall be a body politic and corporate, enjoying all the privileges and immunities, and being subject to all the duties and liabilities of similar corporations, so far as applicable to this, as provided in the forty-fourth chapter of the Revised Statutes, and who shall be styled and denominated "The Trustees of the Sartell School Fund." *Town shall choose five persons as "Trustees of the Sartell School Fund."*

Their duties, &c.

SECT. 2. Said trustees shall annually choose one of their number to be their clerk, who shall be sworn to the faithful performance of his duties in that office; and another to be their treasurer, who shall give bonds with sufficient sureties to said trustees in the penal sum of at least double the principal of the Sartell School Fund, for the faithful discharge of his duties in that office. *Said trustees shall choose a clerk annually and also a treasurer. His bonds, &c.*

Trustees may take the fund left by J. Sartell for a woman's school, with records, &c.

SECT. 3. Said trustees shall, as soon as may be after their first election and organization, demand, take, and receive of the trustees of Groton Ministerial Fund in said town, all that fund which proceeded from a devise made by the late Josiah Sartell, Esquire, of his Hobart farm, for the support of a woman's school, in said town, together with the records and documents in relation thereto, and which was intrusted to their possession and management, by the statute of eighteen hundred and fourteen, chapter twenty-one; and upon the delivery of said funds, records, and documents, by said trustees of Groton Ministerial Fund, they shall thereafter be wholly released, and exempted from all duties, obligations, and liabilities imposed upon them by said statute or otherwise.

Trustees of Groton Ministerial Fund thereafter discharged.

Trustees of Sartell fund to loan on notes and mortgages.

SECT. 4. It shall be the duty of the trustees of the Sartell School Fund to keep the principal of said fund loaned, upon interest, to be paid annually, taking security therefor by notes and mortgages of real estate, of double the value expressed in each note respectively, and to apply the said interest to the support of a woman's school, to be kept in said district number seven, in conformity as nearly as may be to the last will and testament of said Josiah Sartell, the founder of said fund; and they shall annually report in writing, to the inhabitants of said district at their meeting for the choice of trustees, the state of said fund and their management thereof, for the year then last past, and said inhabitants may have and maintain an action of tort against said trustees jointly or severally, for any negligence or misfeasance in their management of said fund or interest, whereby the same may be lost, diminished, or misapplied.

How apply interest.

Shall make annual report of doings, &c.

Trustees jointly and severally responsible.

Statutes repealed.

SECT. 5. The statute of one thousand eight hundred and fifty, chapter one hundred and ninety-seven, and all other acts or parts of acts inconsistent with this act are hereby repealed.

Takes effect.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1852.*]

Chap. 85

An Act to authorize Ebenezer W. Holway to build a wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provincetown.

Ebenezer W. Holway is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor: *provided*, this grant shall not affect the legal rights of any person. [*Approved by the Governor, March 31, 1852.*]

Right of wharfage, &c.
Proviso.

An Act to Protect Titles to Real Estate derived from Aliens.

Chap. 86

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No title to real estate shall be invalid on account of the alienage of any former owner or holder thereof: *provided*, that nothing herein contained shall defeat the title to any real estate heretofore conveyed or released by the Commonwealth or by authority of the same. [*Approved by the Governor, March 31, 1852.*]

An Act authorizing the Hartford and New Haven Railroad Company to increase their Capital Stock.

Chap. 87

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Hartford and New Haven Railroad Company are hereby authorized to increase their capital stock to an amount not exceeding six hundred and fifty thousand dollars, by creating an additional number of shares, not exceeding six thousand five hundred, of one hundred dollars each; also, to make any lawful contract, and merge or make joint-stock with any other railroad company owning a branch of said railroad, or any other connecting line without the limits of Massachusetts, in the same manner and to the same extent as may be authorized by the General Assembly of the State of Connecticut; and said company shall be subject to all the general laws of this Commonwealth to the same extent as if their road were wholly therein: *provided, however*, that nothing in this act shall be interpreted to confer the power to purchase, merge, or make joint-stock with the railroad of the New Haven and Northampton company, known as the Canal Railroad.

Capital may be increased not exceeding \$650,000, in shares of \$100 each.

May merge or make joint-stock with other roads on certain conditions.

Proviso.

SECT. 2. Said additional shares shall be disposed of in such manner as said company, at a lawful meeting of the stockholders thereof duly notified shall determine, and shall be assessed as the directors shall deem expedient: but no portion of said stock shall be issued at less than one hundred dollars per share.

Additional shares how disposed of.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1852.*]

Takes effect.

Chap. 88 An Act to authorize John B. Parker and associates to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In the town of **SECT. 1.** John B. Parker, and his associates, are hereby
West New- authorized to build and maintain a wharf extending one
bury. hundred and twenty-five feet from high-water mark, at
 Gravel Point, on Merrimack River, in the town of West
 Newbury, to be called the West Newbury wharf; and
Right of shall have the right to lay vessels at the end and sides of
wharfage, &c. said wharf, and to receive wharfage and dockage therefor:
Proviso. *provided*, that this grant shall not interfere with the legal
 rights of any person. [*Approved by the Governor, March*
 31, 1852.]

Chap. 89 An Act to authorize the organization of the Serpentine Paint and Fire-Brick Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Heman S. Lucas, Reuben R. Chapman,
 Charles Phelps, and their associates, are hereby authorized
Purpose. to organize a corporation by the name of the Serpentine
 Paint and Fire-Brick Company, for the purpose of manu-
 facturing paint and fire-brick, in the town of Chester,
 according to the provisions of "An Act concerning Joint-
 Stock Companies," passed in the year one thousand eight
Capital not hundred and fifty-one, with a capital stock of not less than
less than two hundred thousand dollars, nor more than three hundred
\$200,000 nor thousand dollars, anything in said act to the contrary not-
more than withstanding.
\$300,000.

Takes effect. **SECT. 2.** This act shall take effect from and after its
 passage. [*Approved by the Governor, April 1, 1852.*]

Chap. 90 An Act to authorize Jonathan H. Young to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provincetown. Jonathan H. Young is hereby authorized to build a
 wharf from his land, adjoining the harbor of Provincetown,
 and to extend said wharf into six feet of water at low tide,
 and to lay vessels at the end and sides thereof, and receive
 wharfage and dockage therefor: *provided*, this grant shall
 not affect the legal rights of any person. [*Approved by the*
 Governor, April 3, 1852.]

An Act to authorize the Boston Society of Natural History to amend its Constitution. Chap. 91

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Society of Natural History is hereby authorized and empowered to amend the eighth article of its constitution, by inserting after the word "members," in the third line of the printed copy thereof, the following words : "present at any two consecutive meetings of the society, the members having been first duly notified of any proposed alteration." [Approved by the Governor, April 3, 1852.]

May amend eighth article of their constitution.

An Act to regulate the Fishery in Palmer's River.

Chap. 92

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the passage of this act no person, except as is hereinafter provided, shall take shad or alewives, with seines or in nets, in Palmer's River, in the town of Rehoboth, in the county of Bristol, from the first day of April to the first of July in each year : *provided*, that the inhabitants of Rehoboth may, at a legal meeting held for that purpose, dispose at public auction of the privilege of taking fish for that year, with scoop-nets and seines, only in said river, for the time aforesaid, to such person or persons as may offer the highest price for the same, and shall give sufficient security for the payment of the purchase money at such time and in such manner as the town shall direct.

Fishing prohibited from April 1 to July 1, except, &c.
Town of Rehoboth may sell privilege of fishing at auction.
Conditions.

SECT. 2. The said town may sell said privilege in sections, or otherwise, as the town may determine, and the purchaser or purchasers of any privilege or privileges of taking shad or alewives aforesaid, or those employed by him or them, may take any of said fish in said river, between Swanzey line and the Orleans dam, with scoop-nets, three nights in the week, beginning on Wednesday at sunset and ending at sunrise on Saturday of each week ; and may also take said fish with not more than two seines to be used at the same time, and in the daytime only, three days in each week, beginning on Thursday morning at sunrise and ending on Saturday at sunset, in any part of said river between Swanzey line and Miller's bridge (so called), on said river, in said Rehoboth : *provided, however*, that no shad or alewives shall be taken in any manner from said river after the first day of July in each year.

Town may sell privilege in sections, or otherwise.
Three nights each week with scoop-nets.
Not more than two seines, and in daytime, three days each week.
No shad, &c., to be taken after July 1.

Town choose
fish-wardens,

Their duties.

Authorized to
pass over
lands, &c.

Penalty for
molesting war-
dens, &c.

Penalty for
placing ob-
structions in
river, &c.

Laws repealed.

Takes effect.

SECT. 3. The town of Rehoboth, at their annual meeting in March or April, may choose one or more suitable persons to serve as fish-wardens, who shall be sworn to the faithful discharge of their duties, and shall see this act enforced, and shall prosecute for all violations thereof; and it shall be the duty of the said fish wardens to prevent and remove all obstructions in the course of the stream to the passing up and down of the fish during the season from the first day of April to the first day of July in each year; and the said wardens, or either of them, and also those who are lawfully employed in catching or buying the fish taken in said river, shall be authorized to go upon and pass over the lands of any person, through or by which said river runs, without being considered trespassers: *provided*, they shall so pass over and on said lands only at such times and places as the fish-wardens shall direct and prescribe, and only when such passing over and on said lands shall be necessary for the purpose of protecting said fishery and taking and selling the fish, and shall do no more damage to said lands than is indispensable for such proper use; and any person who shall wilfully hinder or molest the said wardens, or any person authorized by them in the necessary clearing of said river, and in the necessary and proper use of the lands on said stream, for protecting said fishery and taking or selling the fish, shall forfeit and pay not exceeding twenty dollars for each offence, to be recovered in the manner provided in the fourth section of this act.

SECT. 4. If any person, or persons, other than those who have purchased a privilege, or privileges, shall fish with seine or nets at any time, or in any place or manner, or shall set any nets or seine, wear, or other obstruction, in said river, or in any part thereof, with intent to take or destroy any shad or alewives, he shall forfeit and pay twenty dollars for each offence, to be recovered to the use of the county in which the offence was committed, or by action of debt; one half to the use of the person complaining, and who shall give information that shall lead to the prosecution and conviction of any person guilty of a violation of the provisions of this act, and the other half for the use of the town in which the offence shall be committed.

SECT. 5. All laws heretofore passed relating to the fishery and fishing in Palmer's River, within the limits of the town of Rehoboth, are hereby repealed.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1852.*]

An Act to incorporate the Massachusetts College of Pharmacy.

Chap. 93

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

- SECT. 1. Thomas Farrington, Joseph Burnett, George S. Jones, and all such persons as are now members of an association known as the "Massachusetts College of Pharmacy," or shall hereafter become members of the same, are hereby constituted a corporation and body politic in law and in fact, to have continuance for twenty-five years, by the name of the "Massachusetts College of Pharmacy," for the purpose of cultivating, improving, and making known the principles of pharmacy, its collateral branches of science, and the best modes of preparing medicines and their compounds, and of giving instruction in the same by public lectures; and may hold real and personal estate to an amount not exceeding twenty thousand dollars.
- SECT. 2. The said college may establish by-laws and rules for its government and regulation, and for the preservation and application of the funds thereof, not repugnant to the constitution and laws of the United States or the Commonwealth of Massachusetts, and shall have power to erect an edifice for their accommodation, and to constitute a faculty or learned body, to consist of such head or heads, and such number of professors in chemistry, pharmacy, materia medica, and the collateral sciences, as they may judge necessary, and whenever they shall see fit, to remove them or either of them, and to appoint others in their stead; and to do and perform all and singular, such acts as may be proper and necessary to the establishment of said college and faculty.
- SECT. 3. The officers of the college shall be a president, two vice-presidents, recording secretary, corresponding secretary, treasurer, and auditor, whose respective duties may be assigned by the by-laws, and who shall be elected either by printed or written ballots at the stated annual meeting on the first Monday in March of each year; and any vacancy may be filled by a special election by the members of said college. There shall also be elected at said annual meeting, eight trustees, whose duties may be designated by the by-laws, and who, with the other officers of the college, shall serve one year, or until others are chosen to fill their place. The officers of the college shall be *ex officio* members of the board of trustees, and said conjoint board, of which not less than five shall constitute a quorum, shall conduct the ordinary affairs of the college. The said board may elect their own chairman and secretary, who shall keep

Corporators.

Purpose.

May hold \$20,000.

May establish by-laws, &c.

Power to erect an edifice and constitute a faculty.

Power to remove and appoint others, &c. &c.

President, vice-presidents, and other officers, elected by ballot at annual meeting in March.

Vacancies, how filled.

Eight trustees to be elected for one year, and till others are chosen.

Officers of the college *ex officio* trustees.

May make rules, regulations, &c.

Acts to be submitted to the college for revision, &c.

Trustees may give certificates of membership and diplomas, &c.

College may issue scrip, stock, execute bonds, &c.

Officers to hold until others are chosen.

Corporation powers and duties.

Legislature may modify or repeal.

a record of their proceedings. They may make such rules and regulations, and do such other things necessary for the support and government of the college of pharmacy, as they may deem fit and proper, and perform such duties as are or may be from time to time committed to them by said college; their acts, however, to be submitted to the college for revision at each stated meeting of the college.

SECT. 4. The board of trustees shall have power to issue certificates of membership, to adopt rules and regulations in the examination of candidates, and the granting of diplomas to those who shall have attended two courses of lectures of the college, and have studied not less than four years with one or more respectable druggist or apothecary, or shall have undergone a satisfactory examination by the trustees and professors of the college.

SECT. 5. The college may have the right to issue scrip, stock; execute bonds, mortgages, conveyances; and to sell its property, whether in real estate, books, productions of nature or art, under the common seal of said college and acknowledged by its president, or in any way dispose of its possessions so as to promote pharmaceutical education and the mutual advancement of its members, and the elevation of the art and business of the apothecary and pharmacist in the community.

SECT. 6. If the annual election for officers of the college and members of the board of trustees for any cause shall not be held on the day before-mentioned, the said corporation shall not be thereby dissolved, but the officers and trustees shall continue in office until a new election.

SECT. 7. The corporation hereby created, shall be subject to the provisions and possess the general powers specified in reference to kindred and educational societies, in the Revised Statutes of the Commonwealth, and the legislature may at any time modify, alter, or repeal this act. [*Approved by the Governor, April 3, 1852.*]

Chap. 94

An Act to establish the City of Springfield.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Inhabitants of Springfield made a body corporate as the city of Springfield.

SECT. 1. The inhabitants of the town of Springfield shall continue to be a body politic and corporate, under the name of the city of Springfield, and, as such, shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent upon, and appertaining to, said town as a municipal corporation.

SECT. 2. The administration of the fiscal, prudential, and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of eight, to be called the board of aldermen: and one council of eighteen, to be called the common council, which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services. All the powers now vested by law in the town of Springfield, or in the inhabitants thereof, as a municipal corporation, shall be vested in the city council, and shall be exercised by concurrent vote, each board having a negative on the other.

Government vested in a mayor, eight aldermen, and eighteen common councilmen.

Quorum.

No compensation.

Powers vested in the municipal corporation.

SECT. 3. A board of five men shall be chosen by ballot by the inhabitants of the town of Springfield, at the town meeting to be held for the purpose of voting upon the acceptance of this act, according to the provisions of the thirty-sixth section of this act, an article being inserted in the warrant for said meeting for that purpose, and said board of five men thus chosen, as soon as may be after they are thus chosen, and after the acceptance of this act by the inhabitants, as hereinafter provided, shall divide said town into eight wards, in a convenient manner, so as best to accommodate the inhabitants of the several wards, to meet within the same for municipal purposes. And they shall then apportion the members of the common council among the several wards, by first assigning to each ward one member, and dividing the residue, as near as may be convenient and equitable, according to the population of the several wards. The city council first chosen after this act shall take effect, and thereafter, once in five years, and not oftener, shall revise, and, if it be needful, alter said wards in such manner as may be most convenient to the inhabitants, and shall re-apportion the members of the common council among the several wards, according to the principles herein prescribed for the original division and apportionment by the said board of five men.

Five men to be chosen by ballot at the meeting for accepting charter, who shall divide the town into eight wards.

Shall apportion the members of common council.

City council shall revise the wards once in five years.

SECT. 4. On the first Monday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of the wards in which they are chosen, who shall hold their offices for one year and until others have been chosen in their places, and qualified to act. The warden shall preside at all meetings, with the powers of moderator of town meetings. And if the warden shall not be present, the

Election of wardens, clerks, and inspectors on first Monday in December.

Warden to preside, or the clerk in his ab-

sence until,
&c.

Clerk *pro tem.*
may be chosen.
Duties.

Duties of in-
spectors.

Oaths of ward
officers, how
administered.

Warrants for
meetings, how
issued, served,
&c.

City officers,
how elected;
where resi-
dent.

All chosen by
ballot, to hold
office one year,
until, &c.

Election on
first Monday
of December.

Votes given,
how sorted and
counted, &c.

Duty of ward
clerks in certi-
fying, &c.

Proviso.

clerk shall preside until a warden, *pro tempore*, shall be chosen by ballot. If, at any meeting, the clerk shall not be present, a clerk, *pro tempore*, shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successor all such records and journals, together with all other documents and papers, held by him in said capacity. The inspectors of elections shall assist the warden in receiving, assorting, and counting the votes. And the warden, clerk, and inspectors shall respectively make oath faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Hampden. A certificate that said oaths have been taken shall be entered upon the records of the ward, by the clerk. All warrants for the meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and be served, executed, and returned in such manner, and at such times, as the city council may by any by-law direct.

SECT. 5. The mayor and aldermen (not more than two aldermen being residents of any one ward), the city clerk, city treasurer, and a school committee of eight persons (one of whom shall be taken from each ward), shall be elected at large, by the qualified voters of the city, voting in their respective wards. And the common councilmen shall be elected from and by each ward, being residents in the wards in which they are elected. All of said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in January; and the mayor, city clerk, and city treasurer, until others shall be elected and qualified in their places.

SECT. 6. On the first Monday in December, annually, the qualified voters in each ward shall give in their votes for a ward clerk, warden, and inspectors, and for mayor, aldermen, and common councilmen, city clerk, city treasurer, and eight persons, at large, to be a school committee. All the votes so given shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records, in words, at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected members of the common council, certificates of their elections, signed by the warden and clerk and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election, certified in like manner. *Provided,*

that if the choice of common councilmen, ward clerk, warden, or inspectors, shall not be effected on that day, the meeting may be adjourned from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor to be notified, in writing, of his election; but if it shall appear that no person has received a majority of the votes, or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore provided for the choice of mayor, and repeated, from time to time, until a mayor is chosen. If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore prescribed for the choice of mayor. And each alderman shall be notified, in writing, of his election, by the mayor and aldermen for the time being.

Board of aldermen examine returns and notify the mayor elect.

In case of failure to elect, non-acceptance, &c.

In regard to aldermen also.

In case of the decease, resignation, or absence of the mayor, or of physical inability to perform the duties of his office, the board of aldermen and the common council shall, respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon, the two boards shall meet in convention and elect a mayor for the time being, who shall serve until another is chosen, or until the occasion causing the vacancy is removed. The oaths prescribed by this act may be administered to the mayor by the city clerk or any justice of the peace for the county of Hampden.

In case of decease, &c., of the mayor, may meet in convention and fill vacancy, &c.

Oaths, how administered.

The aldermen and common councilmen elect shall, on the first Monday of January, at 10 o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to them by the mayor, or any justice of the peace for the county of Hampden, and a certificate setting forth that such oath has been taken, shall be entered on the journals of each board by their respective clerks.

Provisions for the organization of the city government.

When it shall appear that no mayor has been elected previous to the first Monday in January, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid. After the oath has been administered, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices during the pleasure of the common council; the clerk to be sworn to the faithful performance of the duties of his office. In case of the absence of the mayor elect on the first Monday in January, the city government shall organize itself, as hereinbefore provided, and may proceed to business in the

In case no mayor has been elected, &c.

In case of absence of mayor on 1st Monday of January,

Or at any meeting of the board.	same manner as if the mayor were present; and, at any time thereafter, in convention of the two branches, the oath of office may be administered to the mayor, and to any member of the city council who may have been absent at the organization. In the absence of the mayor at any meeting, the board of aldermen may choose a presiding officer, <i>pro tempore</i> , who shall also preside at joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the elections of its own members. In case of failure of election, or in case of a vacancy declared by either board, the mayor and aldermen shall issue their warrants for a new election.
Each board keep records and be judge of its own elections, &c.	
Vacancies, how filled.	
Mayor to be chief executive officer, his duties, &c.	SECT. 7. The mayor shall be the chief executive officer of said city. He shall be vigilant and active in causing the laws, and all by-laws and ordinances of the city to be enforced, and keep a general supervision over the conduct of all subordinate officers. And whenever, in his opinion, the public good requires it, he may, with the consent of the appointing power, remove from office any officer over whose appointment he has the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notices to be left at the places of residence of the several members. He shall communicate, from time to time, to both boards, such information, and recommend such measures, as, in his opinion, the business and interests of the city may require.
Power of removal, &c.	He shall preside in the board of aldermen, and in the convention of the two boards, but shall have only a casting vote. His salary, for the first year in which this charter shall take effect, shall be four hundred dollars, and no more; and it shall afterwards be fixed by the city council; and it shall neither be increased nor diminished during the year for which he is chosen: <i>provided</i> , that the city council may appoint the mayor, commissioner of highways, when in their opinion such an officer is necessary, and allow him a suitable compensation therefor.
May call special meetings, &c.	
Shall communicate information.	
Shall preside, &c.	
Salary.	
<i>Proviso.</i>	
Powers vested in mayor and aldermen.	SECT. 8. The executive power of said city generally, and the administration of police, with all the powers heretofore vested in the selectmen of Springfield, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers, and the same to remove at pleasure. They may require any person appointed a marshal or constable of the city to give bonds, with such security as they may deem
May appoint constables, marshals, &c.	
May require bonds.	

reasonable, before he enters upon the duties of his office ; upon which bonds the like proceedings and remedies may be had as upon constables' bonds taken by selectmen of towns. The mayor and aldermen shall have exclusive power to grant licenses to inn-holders, victuallers, and retailers, as fully as the same powers are possessed by the mayor and aldermen of the city of Boston.

Exclusive power to grant licenses, &c.

The city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, three assessors, a collector of taxes, three persons to be overseers of the poor, and a chief engineer and as many assistants not exceeding twelve as they may by vote determine, and fix their compensations, and the compensations of the city clerk, city treasurer, and school committee. They shall also, in such manner as they shall determine by any by-law, appoint, or elect, all other subordinate officers not herein otherwise directed for the ensuing year, and define their duties and fix their compensations in cases where the same are not defined and fixed by the laws of the Commonwealth. All sittings of the mayor and aldermen, and of the common council, shall be public, when they are not engaged in executive business.

Election of assessors, collector, overseers of the poor, &c.

Compensation.

Subordinate officers, how appointed, &c.

All sessions public.

The city council shall take care that no moneys are paid from the treasury, unless granted or appropriated ; shall secure a just and proper accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody, or disbursement of money ; shall have the care and superintendence of the city buildings, and the custody and management of all city property, with the power to let or to sell what may be legally sold, and to purchase property, real or personal, in the name and for the use of the city, whenever the interest or convenience of the inhabitants may, in their judgment, require it. And they shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

No moneys paid unless granted, &c. Under proper accountability.

Superintendence of public buildings.

Accounts to be published annually.

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, such nomination being subject to be confirmed or rejected by the board of aldermen. No person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of his election or appointment, shall be a member of the board of aldermen, or of the common council ; and no member of either board shall hold any other office under the city government.

Mayor nominates, aldermen confirm.

Aldermen and common councilmen ineligible.

Vacancy of clerk and treasurer, how filled.

City clerk to be clerk of board of aldermen,

His duties, &c.

Shall be chosen for one year, and until, &c.

Board of overseers of the poor.

Powers, duties, &c.

Powers and duties of assessors.

Taxes, how assessed, &c.

Proviso.

Vacancies in school committee, how filled.

Duties of school committee.

School districts abolished.

Further duties of school committee.

Proviso.

SECT. 10. Should there fail to be a choice of city clerk, or of city treasurer, as herein provided; or should a vacancy occur in either of said offices during the year, such vacancy shall be filled by the city council in convention. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Springfield. He shall be chosen for one year and until another shall be chosen and qualified in his place, and he shall deliver to his successor in office, as soon as he is qualified, all records, books, papers, documents, or property held by him as city clerk.

SECT. 11. The persons chosen by the city council to be overseers of the poor shall, with the mayor, constitute the board of overseers of the poor, of which the mayor shall be chairman; and they shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of Springfield.

The persons chosen by the city council as assessors shall constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors in towns. All taxes shall be assessed, apportioned, and collected in the manner prescribed by law relative to town taxes: *provided*, that the city council may establish further and additional provisions for the collection thereof. Should there fail to be a choice of members of the school committee, as herein provided, or should a vacancy occur during the year, the vacancy or vacancies shall be filled by the city council in convention. The persons chosen as school committee shall have the care and superintendence of the public schools, and shall have all the powers, and perform all the duties, of town school committees.

The limits of the several school districts in the said town of Springfield shall be abolished, and the several districts shall be united under one organization; and the school committee, which shall be chosen according to the provisions of the fifth section of this act, shall have the same rights and powers, and perform the same duties, which the several district prudential committees now have and exercise in the said town of Springfield; *provided*, that the inhabitants of the several school districts in said town, at any legal meeting of the qualified voters thereof, called for the purpose, shall, within ninety days from the acceptance of this act by the inhabitants of Springfield, as hereinafter provided, vote to dissolve their several district organizations and dispose of their school district property.

If the said several school districts shall vote as hereinbefore provided, to dissolve their several organizations and dispose of their district property, said districts shall thereafter be dissolved, and their powers and privileges, and their duties and liabilities shall cease: *provided*, that the said districts shall continue liable to pay all their existing debts and to perform all legal contracts.

In case school districts are dissolved their duties, &c., cease.

Proviso.

If the said districts shall by vote so elect, the city shall take the property of said districts.

City to take the property of the districts.

If the said districts shall vote, as aforesaid, to dissolve their several organizations and dispose of their district property, the mayor of said city shall return to the court of common pleas, then next to be holden at said Springfield, after the said votes have been passed, his certificate of the fact that the several school districts have so voted; and the said court of common pleas, upon the filing of said certificate, shall appoint three disinterested commissioners, not citizens of said city, who, after due notice to the said several districts and said city, shall proceed to award and determine upon what terms the property of said districts shall be surrendered to said city, and in what manner the debts of the several districts shall be paid; and said commissioners shall return their said award to the court of common pleas next to be holden at Springfield after their appointment, and said award, after being accepted by the said court, shall be binding on the said city and said several districts, and said commissioners shall be paid for their services by said city.

Mayor to certify to court of common pleas the dissolution of school districts.

Three commissioners to be appointed on the property and debts of the districts.

Commissioners to make returns, &c.

How paid.

If the several school districts shall not, within ninety days from the acceptance of this act by the said town of Springfield, vote, as above provided, to dissolve their several organizations and dispose of their property, then the limits of the several school districts in the said town of Springfield shall remain as they now are, until altered by the city council; and the said school districts shall retain their present organization and all their district property; and the said districts, and their several prudential committees, shall have the same rights and powers, and perform the same duties, which they now have and perform in the said town of Springfield.

If districts are not dissolved, to remain as they are till altered by city council, &c.

Duties of prudential committees.

SECT. 12. The list of jurors shall be prepared by the mayor and aldermen in the same manner as is required in the ninety-fifth chapter of the Revised Statutes to be done by the selectmen within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be submitted to the common council for concurrent revision or amendment.

List of jurors made by mayor and aldermen, and submitted to common council.

The mayor and aldermen, and the city clerk, shall severally have and exercise all the powers and duties, with regard to the drawing of jurors in the city and all other matters

Duties of mayor, aldermen, and city clerk in regard to

drawing jurors.

relating to jurors therein, which are in the ninety-fifth chapter of the Revised Statutes required to be performed by the selectmen and town clerks in their respective towns; and all venire for jurors to be returned from Springfield, shall be served on the said mayor and aldermen.

City council made a board of health.

SECT. 13. All power, now by law invested in the board of health in the town of Springfield, shall be transferred to and vested in the city council, to be carried into execution by the appointment of health commissioners, or in such manner as the city council may judge expedient.

City council to lay out streets within the city, and have concurrent power with county commissioners.

SECT. 14. The city council shall have exclusive authority and power to lay out, alter, or discontinue any street or way, the termini of which are entirely within the city, and concurrent power with the county commissioners, to lay out any other highway in the city, and to estimate the damages any person may sustain thereby; but all questions relating to the laying out, accepting, altering, or discontinuing any street or way, shall first be acted upon by the mayor and aldermen. Any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Hampden, at any meeting holden within one year after such decision, whereupon the same proceedings shall be had as are now provided by law, in cases where persons are aggrieved by the assessment of damages by selectmen, in the twenty-fourth chapter of the Revised Statutes.

City council may cause sidewalks to be made and repaired.

SECT. 15. The city council may cause suitable sidewalks to be made and repaired in such places as they may judge best; and they shall assess the expenses thereof upon the persons owning the lands or estates against which such sidewalks are so made or repaired, apportioning the same equitably, where there are two or more such adjacent owners. They may cause drains and common sewers to be laid down through any streets or private lands, paying the owners of such lands such damages as they may sustain thereby, and may require all persons to pay a reasonable sum for the privilege of opening any drain into a public drain or common sewer; and they may also require private drains to be conducted into a public drain or common sewer when they shall judge the same necessary for the health or cleanliness of the city. In default of payment of any assessment made in pursuance of the provisions of this section, in a reasonable time after notice thereof, the amount so unpaid may be added to the taxes of the party so deficient, and collected by the collector with other city taxes.

May make sewers and drains.

Unpaid assessments added to taxes.

Survey and inspection of lumber, wood, coal, &c.

The city council may make by-laws, with suitable penalties, for the survey, inspection, admeasurement, and sale, of lumber, wood, coal, and bark, brought into the city for sale;

and all such other salutary and needful by-laws as towns may make and establish, and may annex penalties thereto, not exceeding twenty dollars for the breach thereof; which by-laws shall be in force from and after the time therein respectively limited, without the sanction of any court or other authority. All such by-laws, and all city ordinances, shall be published in such newspaper as the city council shall direct; and all by-laws now in force, in the town of Springfield, shall remain in force until they expire by their own limitation, or are revised or repealed by the city council.

By-laws to be published.

Town by-laws to remain in force, until, &c.

SECT. 16. All fines, forfeitures, and penalties accruing for the breach of any by-law of the city, or of any ordinance of the city council, or of any of the orders of the mayor and aldermen, shall be prosecuted for and recovered before the police court of the said city of Springfield, by complaint or information, in the name of the Commonwealth, in the same manner in which other criminal offences are now prosecuted before the justices of the peace within this Commonwealth, reserving, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas for the trial of criminal causes, then next to be holden in the county of Hampden, from such judgment and sentence of the police court. Such appeal shall be allowed on the same terms, and the proceedings be conducted therein in the same manner, as is provided in the one hundred and thirty-eighth chapter of the Revised Statutes. In all such prosecutions it shall be sufficient to set forth in the complaint, the offence, fully, plainly, substantially, and formally, and it shall not be necessary to set forth such by-law, ordinance, or order, or any part thereof. When such complaint is made by any person not an officer of the city, no warrant shall issue thereon until the complainant shall recognize, with sufficient surety, to the satisfaction of the justice of said police court, conditioned to pay all the costs of such prosecution in case the person complained of shall not be convicted thereon. And in case of default of such recognizance, the same may be enforced, and the same proceedings had thereon, as in case of a recognizance to prosecute an appeal from the judgment of such justice. All fines, forfeitures, and penalties, and all costs, so recovered and paid, shall be paid to the treasurer of said city, and shall enure to such uses as the city council shall direct.

Fines and penalties for breach of by-laws, how prosecuted and recovered.

Right of appeal to court of common pleas.

Complaint, how set forth.

Recognizances for costs, &c.

Defaults of recognizances, how prosecuted.

Fines paid to city treasurer.

When any person, upon conviction before the police court for a breach of any by-law of said city, or any ordinance of the city council, or any order of the mayor and aldermen, shall be sentenced to pay a fine, penalty, or forfeiture, and shall refuse or neglect to pay the same, or, upon claiming an appeal shall fail to recognize according to law,

Persons neglecting to pay fines, how punished.

he shall be committed to prison, there to remain until he shall pay such fine, penalty, and forfeiture and costs, or be otherwise discharged according to law. And the provisions of this section shall also apply to all prosecutions, founded upon the by-laws or ordinances of the town of Springfield, which may continue in force after this act shall go into operation.

This section applies also to town by-laws.

City council determine the number of representatives, &c.

SECT. 17. The city council shall, annually, in the month of October, meet in convention and determine the number of representatives to be elected by the city to the General Court, in such year, which shall be conclusive. And the number thus determined shall be specified in the warrants calling meetings for the election of representatives.

Election of county, state, and U. States officers provided for.

SECT. 18. All elections for county, State, and United States officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the times fixed by law for these elections respectively: and at such meetings all the votes given for said several officers, respectively, shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record, in words, at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections; the city clerk shall forthwith record such returns; and the mayor and aldermen shall, within two days after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

Duty of ward clerks, of city clerk, of mayor and aldermen.

Returns, how made.

New elections to fill vacancies.

Lists of voters.

SECT. 19. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and other city officers. They shall deliver the lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections: *provided*, that any

Lists to be delivered to ward clerks.

Proviso, in re-

person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon, at any time thereafter before the closing of the polls, upon presenting to the ward officers a certificate signed by the mayor or city clerk, by order of the board of aldermen, setting forth his right to have his name thus entered.

SECT. 20. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings shall be duly warned by the mayor and aldermen, upon the request, in writing, setting forth the purposes thereof, of thirty qualified voters.

SECT. 21. A fire department is hereby established in said city, with all the powers and privileges, and subject to all the duties and liabilities, set forth and contained in an act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine, and the city council shall possess all the powers, and perform all the duties imposed and conferred by said act upon the selectmen of towns. The inhabitants of any fire district, organized according to law in the town of Springfield, at any legal meeting of the qualified voters thereof, called for the purpose, may vote to dissolve their said fire district, and to annul the organization thereof, and may dispose of the fire apparatus and other property of the district, and appropriate the proceeds thereof in such manner as they judge best, and thereafter such fire district shall be dissolved, and their powers and privileges, and their duties and liabilities, shall cease: *provided*, that the said districts shall continue liable to pay all their existing debts and to perform all legal contracts. If the said districts shall by vote so elect, the city shall purchase the fire apparatus and other property of such district, at a fair valuation, not exceeding the amount paid by the district therefor, exclusive of anything paid by the town of Springfield towards the same, and shall pay the debts and liabilities of the district, so far as the amount of such valuation may be sufficient therefor. And if the amount of the valuation exceeds the amount of the debts and liabilities of the district, such excess shall be allowed upon and deducted from the city taxes, then next assessed upon the inhabitants of such fire district, in the proportions severally assessed upon them in the tax lists by the assessors.

ward to names omitted.

General meetings to be called on request of thirty voters.

Fire department established.

Present fire districts may dissolve, and dispose of apparatus.

Proviso.

If districts elect, the city shall purchase their fire apparatus, pay debts and deduct excess from city taxes.

A police court established.

SECT. 22. A police court is hereby established in said city, to consist of one learned, able, and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences, and misdemeanors committed within said city, whereof justices of the peace now have, or may hereafter

Its powers, duties, &c.

have jurisdiction. And the court hereby established shall hear and determine all suits, complaints, and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are, or may be, vested in justices of the peace, and shall do all acts necessary to and consistent with such powers and authority. And the said

Its jurisdiction, &c.

police court shall also have original jurisdiction and cognizance of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined before any justice of the peace in the county of Hampden, and exclusive jurisdiction whenever all the parties reside in Springfield, and service of the writ is had on the defendant in said county; and no writ, in any such action or suit, shall be made returnable before any justice within said city of Springfield, but to said police court only; and an appeal shall be allowed from all judgments of said police court, in like manner and to the same extent that appeals are now allowed by law from judgments of justices of the peace; and the justices of said police court shall not be of counsel or attorney to any party in any matter or thing whatever which may be pending in said court, or which shall have been previously determined before himself.

Appeals, &c.

Justices not to be counsel, &c.

Warrants, how returnable, &c.

SECT. 23. All warrants issued by said court shall be made returnable and shall be returned before said court; and no warrant shall be issued by any justice of the peace within the county of Hampden, except by the standing justice or one of the special justices of said court, for any crime or offence committed within said city of Springfield.

Fines, &c., how received and paid.

SECT. 24. All fines and forfeitures, and all fees in criminal cases, now allowed by law to justices of the peace, which shall be received by, or paid into the hands of, the justice of said court, shall be by him accounted for and paid over to the treasurer of said city; and all other costs in criminal prosecutions, which shall be paid to the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties for neglect, as are by law prescribed in the case of justices of the peace; and all costs in such prosecutions, not thus received, shall be made up, taxed, certified, and allowed, and shall be paid and satisfied, in like manner as is provided by law in cases of justices of the peace; and in all cases where fines, forfeitures, and costs are not paid

Other costs, how accounted for and paid over, &c.

to the justice of said court, but are by him taxed and certified, and are allowed, in the manner now prescribed by law, and such fines and costs are subsequently paid to the treasurer of the county of Hampden, the justices fees so taxed and paid shall accrue to the county aforesaid; and in all cases, where said justice's fees are so taxed and certified by the justice of said court, and are allowed, but are not subsequently paid to the treasurer of said county, the said county of Hampden shall be discharged from all obligation to pay said magistrate's fees to any persons whatsoever.

SECT. 25. A court shall be held by said justice, at some suitable and convenient place to be provided at the expense of said city, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and on one day in each fortnight, at ten of the clock in the forenoon, and may be adjourned from day to day, by the justice thereof, and at such other times as may be necessary, for the trial of civil suits and actions; and the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof. Complaints may be received and warrants issued by him at all reasonable times when said court is not in session.

Time and place of holding the court.

Purpose.

Justice may establish rules, &c.

SECT. 26. The justice of said court shall receive from the treasury of said city, an annual salary of seven hundred dollars, in quarterly payments; and shall be allowed, as a compensation for his services in the trial and determination of civil suits, cognizable by said court under this act, to tax, receive, and retain the same fees now allowed by law to justices of the peace in civil cases.

Salary \$700, and certain fees.

SECT. 27. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the mayor and aldermen of said city, a true and faithful account of all moneys received by him.

Records, returns, and accounts provided for.

SECT. 28. All suits, actions, and prosecutions which shall be instituted and pending before any justice of the peace within the town of Springfield, when this act shall take effect, shall be heard and determined as though this act had not been passed.

Pending actions.

SECT. 29. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court; and whenever it shall happen that the standing justice of said court shall be interested in any

Special justices,

<p>Their duties, powers, &c.</p>	<p>suit or prosecution cognizable in said court, or shall, from any cause, be unable to hold said court, or discharge any of the duties required of him by this act, the said special justices shall have power to issue the processes of said court, and to hear and determine any matter or cause pending therein, the said cause being assigned on the record by the standing or special justice; and such special justice shall be paid, for services so rendered, by the standing justice, out of his salary, such sums as justices of the peace are paid for like services.</p>
<p>How paid.</p>	
<p>Governor may appoint said justices at any time, &c.</p>	<p>SECT. 30. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices, at any time after the passing of this act.</p>
<p>Duties of the selectmen in organizing the city government.</p>	<p>SECT. 31. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Springfield, during the months of April or May of the present year, shall, seven days before the day of meeting, issue their warrants for calling meetings of the citizens in their several wards, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors of each ward, and all other officers whose election is provided for in the preceding sections of this act: and they shall appoint a clerk <i>pro tempore</i> of each ward, who shall call the meeting to order and preside until a warden is chosen. The transcripts of the records of each ward, specifying the votes given for the several officers, certified by the warden and clerk, and by a majority of the inspectors of such ward, at such first meeting, shall be returned to the selectmen, who shall examine and compare the same; and in case such elections should not be completed at the first meeting, they shall issue warrants for a new meeting until said elections shall be completed. They shall give notice of such elections, in the manner hereinbefore directed, to the several persons elected. At said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk <i>pro tempore</i> of each ward, to be used as before directed. The selectmen shall appoint such time for the first meeting of the city council, as they judge proper, after the choice of said city officers, or of a majority of the members of both branches of the city council, not later than the first Monday in June next, and shall appoint the place and hour of said first meeting. A written notice thereof shall be sent, by the selectmen, to the place of abode of each of the city officers so chosen; and notice of the day, hour, and place of said meeting shall be published in one or more newspapers printed in said town.</p>
<p>Shall issue warrants, &c.</p>	
<p>Appoint ward clerks <i>pro tem</i>.</p>	
<p>Returns, how made, &c.</p>	
<p>Shall notify persons elected.</p>	
<p>First meeting of city council.</p>	
<p>How notified.</p>	

After the first organization of the city council, the meetings for the annual elections and for the organization of the city council, shall be as provided in the sixth section of this act. Annual elections, when held.

The city council, immediately after the first organization, shall elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified. City council shall elect all necessary officers, &c.

At the meetings to be called, as prescribed in this section, for the choice of ward and city officers, the qualified voters shall also give in their votes for county officers, which votes shall be recorded, certified, and returned in the manner provided in the seventeenth section of this act. County officers, how chosen, &c.

SECT. 32. The annual town meeting for the town of Springfield, which, by law, is to be holden in March or April, is hereby suspended, and all town officers now in office shall hold their places until this act shall take effect and their successors are chosen and qualified. And in case this charter shall not be accepted as hereinafter provided, the selectmen shall issue their warrant, according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed. Annual town meetings suspended. Present officers hold over. Provision in case the charter is not accepted.

SECT. 33. All officers of the town of Springfield having the care and custody of any of the records, papers, or property belonging to the town, shall deliver the same to the city clerk within one week after his entering upon the duties of his office. Town papers and property delivered over, &c.

SECT. 34. All acts, and parts of acts, inconsistent with the provisions of this act, are hereby repealed. Acts repealed.

SECT. 35. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same when they shall deem it expedient. Legislature may amend.

SECT. 36. This act shall be void, unless the inhabitants of the town of Springfield, at a legal town meeting called for the purpose, shall, by a vote of a majority of the voters present, and voting thereon by a written ballot, determine to adopt the same within twenty days from and after its passage; at which meeting the polls shall be kept open not less than six hours; and the presiding officer, in receiving said ballots, shall use the check-lists in the same manner as they are used in elections of state officers. Act void unless adopted within twenty days, &c.

SECT. 37. This act shall go into operation from and after its passage. Takes effect.

Chap. 95

An Act to authorize Warren Dockham and others to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In Newbury-
port.

Location of
wharf.

Right of
wharfage, &c.
Proviso.

Proviso.

Warren Dockham and others, proprietors of land and flats in Newburyport, bounded southerly by Merrimack street, westerly by land of E. M. Reed and Benjamin Choate, and easterly by land and flats of Michael Pearson, are hereby authorized to build and maintain a wharf from their said premises into Merrimack River, and to extend the same one thousand and seventy feet from the line of said Merrimack street, and to lay vessels at the end and sides of said wharf and to receive wharfage and dockage therefor: *provided*, so much of said wharf as shall be constructed below a line seven hundred and twenty feet from the line of said Merrimack street, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream and eight feet in a transverse direction; *and provided, also*, that this act shall not impair the legal rights of any person. [*Approved by the Governor, April 12, 1852.*]

Chap. 96

An Act to amend the charter of the Howard Benevolent Society, in the City of Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Trustees in-
vested with
certain powers
and privileges.

May hold
\$12,000.

Previous pro-
visions re-
pealed.

Takes effect
when accept-
ed.

SECT. 1. The act passed on the sixteenth day of February, in the year one thousand eight hundred and eighteen, entitled An Act to incorporate the Howard Benevolent Society, is hereby so far amended as to invest the said corporation with all the powers and privileges, and subject them to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; with power for the purposes of said corporation, to take and hold real and personal property, the entire annual income of which shall not exceed twelve thousand dollars.

SECT. 2. All the provisions of the act to which this is an amendment, inconsistent with this act, are hereby repealed, and all the doings under the former act are hereby confirmed.

SECT. 3. This act shall take effect from and after the same shall have been accepted by said corporation at a meeting to be called for that purpose. [*Approved by the Governor, April 12, 1852.*]

An Act to authorize Josiah Hardy, Jr., to build a Wharf.

Chap. 97

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Josiah Hardy, Jr., is hereby authorized to build and maintain a wharf, from land owned by him, in the town of Chatham, in the county of Barnstable, extending from the shore into Chatham harbor, to a distance at which there shall be six feet of water at low tide ; and he shall have the right to lay vessels at the end and sides of the said wharf, and to receive wharfage and dockage therefor ; *provided*, that the same shall not obstruct the safe anchorage of vessels in the harbor ; and shall not interfere with the legal rights of any person. [*Approved by the Governor, April 13, 1852.*]

In the town of Chatham.

Right of wharfage, &c.

Proviso.

An Act to incorporate the Hampden Savings Bank.

Chap. 98

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Albert Morgan, Chester W. Chapin, Samuel S. Day, their associates and successors, are hereby made a corporation by the name of the Hampden Savings Bank, to be established in the town of Springfield, and located within twenty-five rods of the present passenger depot of the Western railroad in that town, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, April 13, 1852.*]

Corporators.

In the town of Springfield.

Duties, liabilities, &c.

An Act to authorize John P. Ober to extend his Wharf.

Chap. 99

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John P. Ober, of Boston, is hereby authorized to extend his wharf in the town of Chelsea, to the line established by "An Act to preserve that part of the harbor of Boston, called Chelsea Creek, and to prevent encroachments therein," passed in the year one thousand eight hundred and forty-nine, and he shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided*, however, that this grant shall not be construed to extend to any flats or land of this Common-

In the town of Chelsea.

Wharfage, dockage, &c.
Proviso.

Proviso.

wealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: *and provided, also*, that so much of said wharf as may be constructed below low-water-mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in nowise impair the legal rights of any person. [*Approved by the Governor, April 13, 1852.*]

Chap. 100 An Act to incorporate the Globe Mutual Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Dennis Condry, Benjamin Seaver, I. W. Pierce, their associates and successors, are hereby made a corporation, by the name of the Globe Mutual Marine Insurance Company, in the city of Boston, for the term of twenty years, for the purpose of making maritime loans and insurance against maritime losses, on the principles of mutual insurance, and for this purpose they shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in an act concerning insurance companies, passed in the year one thousand eight hundred and forty-two, and in an act concerning mutual marine insurance companies, passed in the year one thousand eight hundred and fifty-one. [*Approved by the Governor, April 13, 1852.*]

*Purpose.**Duties, restrictions, &c.*

Chap. 101 An Act to authorize Darius Perry to extend his Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

*In Dighton.**Prociso.**Rights of wharfage, &c.**Proviso.*

Darius Perry is hereby authorized to extend his wharf in Dighton, twenty-two feet into Taunton Great River; *provided*, that the said wharf shall not extend into the harbor or channel, so as to impede the navigation of said river, and he shall have the right to lay vessels at the said wharf, and to receive dockage and wharfage therefor; *provided*, that this act shall in nowise affect the legal rights of any person. [*Approved by the Governor, April 13, 1852.*]

An Act to incorporate the Winchester Gas-Light Company.

Chap. 102

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles McIntire, Benjamin Abrahams, Aaron D. Weld, their associates and successors, are hereby made a corporation by the name of the Winchester Gas-Light Company, for the purpose of making and selling gas, in the town of Winchester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Powers and privileges.
38th and 44th R. S.

SECT. 2. Said corporation may hold such real and personal estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of fifty thousand dollars. May hold real and personal estate \$50,000.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. No shares issued for less than par value.

SECT. 4. Said corporation, with the consent of the selectmen of the town of Winchester, shall have power and authority to open the ground in any part of the streets, lanes, and highways in said town for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said company, after opening the ground in said streets, lanes, and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that said selectmen, for the time being, shall at all times have the power to regulate, restrict, and control the acts and doings of said company, which may in any manner affect the health, safety, and convenience of the inhabitants of said town. Power granted to sink and repair pipes and conductors, &c.
Selectmen may regulate, control, &c.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 13, 1852.*]

An Act to incorporate the South Boston Gas-Light Company.

Chap. 103

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William T. Andrews, T. B. Wales, Jr., Francis Alger, J. N. Moore, and John H. Blake, their associates and successors, are hereby made a corporation by the name of the South Boston Gas-Light Company, for the purpose of manufacturing and selling gas in the city of Boston; with Names.

Powers and
privileges.

all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

May hold real
estate \$300,-
000, whole cap-
ital, \$500,000.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value three hundred thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars.

May, by con-
sent of mayor
and aldermen,
sink and repair
pipes and con-
ductors, put
again in repair,
&c.

SECT. 3. Said corporation, with the consent of the mayor and aldermen of the city of Boston, shall have power and authority to open the ground in any part of the streets, lanes, and highways in the said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes, or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict, and control the acts and doings of the said corporation which may in any manner affect the health, safety, or convenience of the inhabitants of said city.

No shares to
be issued for
less than the
par value.

SECT. 4. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Takes effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 13, 1852.*]

Chap. 104

An Act concerning the Militia.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Pay of certain
officers \$5 per
day, on camp
duty.

SECT. 1. Every general, field and commissioned staff officer, shall receive for each day's duty in camp, the sum of five dollars in the manner prescribed by law.

Majority pres-
ent may elect
certain offi-
cers.

SECT. 2. In all meetings of electors for the purpose of choosing a brigadier-general, or a field officer of a regiment or battalion, a majority of the electors present at a meeting duly notified and held for such purpose, may elect those officers.

\$2 per day,
and four cents
per mile for
certain officers
at elections
out of town.

SECT. 3. Whenever an officer is ordered to attend a meeting, for the election of an officer or officers, either as presiding or recording officer, to be held without the limits of the town or city in which he resides, he shall receive two dollars per day for the performance of such duty, and ten cents per mile for travel.

SECT. 4. Whenever a detachment is ordered on special duty by the commander-in-chief, each member thereof shall receive two dollars per day while in the performance of such duty, and four cents per mile for travel.

\$2 per day, and four cents per mile for members on special duty.

SECT. 5. Each company of the volunteer militia may consist of sixty-four men, exclusive of officers, non-commissioned officers, and four musicians.

64 privates to each volunteer militia company.

SECT. 6. The fines and penalties prescribed in the ninety-eighth and ninety-ninth sections of the twelfth chapter of the Revised Statutes for neglect of military duty and for deficiencies, except the fine for May inspection, which shall be three dollars instead of four, and for the deficiency of two spare flints, a priming-wire, and brush, shall be deemed to apply to the duties prescribed in the act entitled "An Act concerning the Militia," passed in the year one thousand eight hundred and forty-nine.

Fines and penalties to apply in certain cases.

SECT. 7. The proviso in the fourth section of the act entitled "An Act concerning the Militia," passed in the year one thousand eight hundred and forty-nine, is hereby repealed.

Proviso in the 4th section of a former act, repealed.

SECT. 8. The fifth section of the act cited in the preceding section of this act is hereby repealed.

5th section of said act repealed.

SECT. 9. At all encampments provided for by the act last cited, the troops so encamped shall be thoroughly exercised, partly under the command of the company officers, and partly in battalions or brigades, in the whole routine of camp and field duty, according to the system of tactics which may be prescribed by the laws of the United States. Upon the first day of duty in such encampments the troops shall be inspected, and reviewed on the last day.

At all encampments troops exercised according to U. S. laws.

Inspected first day, reviewed last day.

SECT. 10. At all such encampments the battery shall consist of not more than two guns.

Two guns a battery at all encampments.

SECT. 11. It shall be the duty of the mayors and aldermen of cities, and the selectmen of towns, to provide the several military companies now organized, or which may be hereafter duly organized in their respective cities and towns, under the laws of this Commonwealth, with suitable armories or places of deposit for the safe keeping of their arms and equipments furnished to such companies by the State: *provided*, that upon the organization of any new company in a city or town where one or more companies are now, or shall be then in existence, the authorities of such city or town shall not be required to furnish an armory for such new company, unless the same shall have been organized by and with the consent or approval of a majority of the board of mayor and aldermen of such city, or of the selectmen of such town.

Armories to be provided for military companies in certain cases.

Inconsistent
acts repealed.

SECT. 12. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Takes effect.

SECT. 13. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1852.*]

Chap. 105 An Act to authorize the City of Charlestown and others to fill up certain Flats in Mystic River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

City of
Charlestown
and proprie-
tors may fill up
certain flats,
on certain con-
ditions speci-
fied.

SECT. 1. The city of Charlestown, and such others, proprietors of land and flats situated in Charlestown, bounding on the southerly side of Mystic River, between Johnson's wharf and Chelsea bridge, as shall vote to accept this act at a meeting called for that purpose, are hereby authorized to enclose by a good and sufficient sea-wall, and to fill up a portion of the flats lying between the north or main channel and the south channel in said river, and bounded by the following described lines, namely:—beginning at the easterly angle of Tuff's mill-pond, and running southeasterly in a straight line to a point in the northwesterly side of Chelsea bridge, seven hundred feet northerly from the northerly side of the south draw in said bridge; thence to the channel in a curve of one thousand feet radius, which, being continued, would pass through a point two hundred feet west of the most easterly angle in the northerly timber dock in the navy yard of the United States; thence in a straight line to a point on the northerly side of the south channel, in the line of the northwesterly side of Elm street, produced northeasterly, and five hundred feet from the northeasterly side of Medford street: *provided*, that before any structure hereby authorized shall be commenced, the regulation and control of all flats, the property of individuals and corporations, lying between said north channel and the first described line, and two hundred feet distant therefrom, shall be surrendered to the Commonwealth.

South channel
to be kept open
as described.

SECT. 2. Said proprietors shall be required to keep open to its present depths the said south channel, from the point of termination at said Elm street, to the main channel, near the easterly angle of the aforesaid timber dock at the easterly corner of the navy yard.

North channel
to be widened,
and kept open
as described.

SECT. 3. Said proprietors shall widen the north channel by excavating the mud from the southerly side thereof to the depth of the present channel, to a straight line drawn from a point thirteen hundred feet from Medford street, opposite Webster street, to a point in Chelsea bridge, four hundred feet southerly from the north draw in said bridge,

and thence in a curve corresponding to the curve before-mentioned to the channel below Chelsea bridge, and shall keep the said excavations at that depth; and shall remove the whole of the shoal in the middle of said channel, opposite Chelsea creek, to the general depth of the channel, and keep the same clear for the convenience of navigation, and if in consequence of this widening of the channel there shall be any shoaling of the same on the northerly side of said river in front of the wharves belonging to the United States, said proprietors shall restore the channel in that part to its original depth.

Excavations
to be kept
open.

Whole shoal
to be removed
to the depth of
the channel.

SECT. 4. Said proprietors shall excavate to the depth of four feet, and keep so excavated, the remaining flats between said north channel and a line parallel to the northeasterly boundary of the enclosure hereby authorized, and two hundred feet distant therefrom, and they shall have the right to extend and maintain pile wharves on the northerly side of said enclosure, to a distance of two hundred feet therefrom: *provided*, no such wharves shall extend into the channel; and they may lay vessels at the end of these wharves, and receive wharfage and dockage therefrom.

Certain de-
scribed flats to
be excavated
four feet.

May extend
pile wharves
200 feet.

SECT. 5. Said proprietors shall fill the portion of flats hereby authorized to be enclosed, to the depth of eight feet above mean low-water-mark, with said flats to be excavated as aforesaid, and with the material taken from the flats, or marsh, on the margin of said river, above these improvements, all between high and low water-mark, in places to be approved by a commissioner or commissioners, to be appointed by the governor; and the whole of the work authorized and required by this act shall be done under the supervision and to the satisfaction of said commissioner or commissioners, who shall be paid for his or their services by said proprietors. And the said proprietors shall keep up and maintain the excavations so made above these improvements.

Shall fill in-
closed flats
eight feet.

Work to be
supervised by
commissioner
appointed by
governor.

SECT. 6. For the purposes aforesaid, said proprietors are hereby made a corporation by the name of the Mystic River Corporation, and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Made a corpo-
ration by name
of Mystic Riv-
er Corpora-
tion.

SECT. 7. Said corporation may hold real and personal estate for the purpose aforesaid; and their whole capital stock shall not exceed two hundred thousand dollars: *provided*, that no shares in said capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

Powers and
privileges.

Act void unless work be commenced in three years, and finished in eight.

Right and title to cease, &c.

SECT. 8. This act shall be void unless the structure and excavations above described shall be commenced within three years, and completed within eight years from and after its passage.

SECT. 9. All right and title to the land to be filled up by virtue of the provisions of this act shall cease, if the owners of such land shall at any time for the space of six months after notice from the attorney-general, fail to maintain all the excavations hereinbefore required to be maintained. [Approved by the Governor, April 15, 1852.]

Chap. 106

An Act concerning the Charles River Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Where to be commenced and constructed.

SECT. 1. The Charles River Railroad Company is hereby authorized to construct its railroad in sections of not less than three miles each, commencing at its junction with the Charles River Branch Railroad, and thence consecutively to some point in the town of Bellingham, not within one mile of the Norfolk County Railroad.

May commence construction of each section when stock equal to \$10,000 per mile be subscribed, and 20 per ct. on each share paid, &c.

SECT. 2. Said Charles River Railroad Company may commence the construction of each of the said sections consecutively as aforesaid, whenever an amount of stock equal to ten thousand dollars for each and every mile so to be commenced shall have been subscribed by responsible parties, and twenty per cent. on each and every share thereof paid into the treasury of said company, and a certificate of such subscription and payment shall have been sworn to and filed as set forth in the ninth section of the two hundred and ninety-seventh chapter of the acts of the year one thousand eight hundred and fifty-one.

Inconsistent acts repealed.

SECT. 3. All acts or parts of acts inconsistent herewith are hereby repealed. [Approved by the Governor, April 20, 1852.]

Chap. 107

An Act to authorize the sale of Parsonage Property in the Parish of West Tisbury.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to empower their treasurer to sell the parsonage, and to invest pro-

SECT. 1. The Congregational Society of the West Parish of Tisbury is hereby authorized to empower the treasurer of said society, for the time being, to sell their parsonage property, consisting of a dwelling-house and about forty acres of land, lying within said town, and to

make and execute a deed or deeds to convey the same; and to invest the proceeds of the sales of said property in such manner as the said society by their vote shall direct: *provided*, that only the income thereof shall be applied for the support of the ministry in said society.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1852.*] Takes effect.

An Act in addition to an act concerning the Mutual Fire Assurance Company of Springfield and the vicinity. Chap. 108

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The second section of the act entitled “An Act concerning the Mutual Fire Assurance Company of Springfield and the vicinity,” passed in the year one thousand eight hundred and forty-seven, is hereby repealed; and all the transactions of the corporation designated in said act since the passage thereof, are hereby declared legal and valid, to the same extent and purpose as if said second section had never been enacted. [*Approved by the Governor, April 20, 1852.*]

Second section of former act repealed.

Acts of corporation confirmed.

An Act to increase the capital stock of the Boston Gas-Light Company. Chap. 109

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Gas-Light Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding five hundred thousand dollars, and to invest the same in such real and personal estate as may be necessary and convenient for the purposes for which they were incorporated: *provided*, that no shares in said capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. [*Approved by the Governor, April 20, 1852.*]

May add \$500,000 to capital.

Proviso.

An Act concerning the Fund of the Third Congregational Society in Springfield. Chap. 110

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. “The Trustees of the Fund of the Third Congregational Society in Springfield,” and their successors, are hereby authorized and empowered to take as security for any loan or loans made by them from their fund, a mort-

Trustees empowered to take mortgage to secure any loan, &c.

gage of such real estate as they shall deem sufficient to secure said loan.

Part of act of 1820 repealed. SECT. 2. So much of section eight of the act entitled "An Act to incorporate the Second Congregational Society, in the first parish in Springfield," passed in the year one thousand eight hundred and twenty, as is inconsistent with this act, is hereby repealed.

Takes effect. SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1852.*]

Chap. 111 An Act to authorize the sale of Ministerial Property belonging to the Congregational Parish in Freetown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to sell ministerial property held by him in trust. SECT. 1. Thomas G. Nichols, of Freetown, in the county of Bristol, is hereby authorized and empowered to sell at public or private sale, the whole or any part of the ministerial property, so called, now situate in the town of Fall River, in said county, and held by him in trust for the congregational parish in said Freetown ; and to execute and deliver such deed or deeds, as may be necessary to convey the same.

Proceeds may be invested as parish shall direct, income can go to support minister. SECT. 2. The proceeds of the sale of said property shall be invested in such manner as said parish shall direct, and the income thereof only shall be applied to the support of the ministry in said parish.

Takes effect. SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1852.*]

Chap. 112 An Act for the appointment of one additional Commissioner of Insolvency for the County of Worcester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

First section of 322d chapter of laws, passed in 1851, so amended that governor, with advice, &c., may appoint one additional commissioner of insolvency for county of Worcester. SECT. 1. The first section of the three hundred twenty-second chapter of the general laws of the Commonwealth, passed in the year one thousand eight hundred and fifty-one, is hereby so far amended, that the governor, with the advice and consent of the council, may appoint and commission, in addition to those already appointed and commissioned, one more suitable person for the county of Worcester, to be a commissioner of insolvency in said county, who shall hold his office for the term of seven years, unless sooner removed by the governor and council ; and the commissioner who may be so appointed shall have and exercise

the same jurisdiction, power, and authority, and be subject to the same duties and requirements, as the commissioners appointed under the three hundred and fourth chapter of the general laws of the Commonwealth, passed in the year one thousand eight hundred and forty-eight, except that he shall not be required to hold a court of insolvency at the shire town of said county on the first Tuesday of every month. *He shall not be required to hold a court in shire town on first Tuesday of each month.*

[*Approved by the Governor, April 20, 1852.*]

An Act in relation to the House of Correction in the County of Suffolk. *Chap. 113*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city council of the city of Boston may annually appoint, by concurrent vote of the two branches thereof, a suitable number of persons, not exceeding twelve, who shall be citizens of Boston, and a majority of whom shall constitute a quorum for the transaction of business, to constitute the board of overseers of the house of correction for the county of Suffolk, who shall hold their office for one year, and until at least five persons, members of a new board, are appointed in their place ; and said city council may at any time fill any vacancies which may occur in said board. *City council of Boston may annually appoint in concurrence a suitable number, not exceeding twelve, to hold office one year, until, &c.*

SECT. 2. So much of the eleventh section of the one hundred and forty-third chapter of the Revised Statutes as is inconsistent with this act is hereby repealed. *So much of 11th section of 143d chapter of R. S., inconsistent, &c., repealed.*

SECT. 3. This act shall take effect as soon as it may be accepted by the city council of said city by concurrent vote of the two branches thereof. [*Approved by the Governor, April 20, 1852.*] *Takes effect.*

An Act to establish additional terms of the Court of Common Pleas for the County of Hampshire. *Chap. 114*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. There shall be holden at Northampton, within and for the county of Hampshire, two additional terms for the Court of Common Pleas, annually, to wit, on the second Monday of June, and the third Monday of December, for the disposition of the criminal business of said county. *Two additional terms of C. C. P. shall be holden at Northampton, annually.*

SECT. 2. The civil business of said court in said county shall be transacted exclusively at the three terms heretofore established in said county, and the criminal business thereof shall be transacted exclusively at the terms established by *Civil matters how transacted, &c. &c.*

this act, and all continuances of civil or criminal cases shall, without any special order therefor, be had to the next term of the said court to be holden for the transaction of business of the same description.

Concerning appeals, recognizances, and matters of a criminal nature.

SECT. 3. All appeals, recognizances, continuances, and processes, and every other matter and thing of a criminal nature, which would be returnable to, or have day in, the Court of Common Pleas, to be holden in said county on the first Monday of June next, if this act had not been passed, shall be returnable to and have day in that court at the term thereof hereby established, on the second Monday of June next.

The grand jurors required to attend only at the terms for criminal matters.

SECT. 4. The grand jurors, for said county of Hampshire, shall be required to attend only at the said terms hereby established for the transaction of criminal business.

Takes effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1852.*]

An Act concerning Auctioneers.

Chap. 115 Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Owners of real or personal estate may employ an auctioneer, duly licensed to sell same on the premises in any county.

SECT. 1. It shall be lawful for any person, or corporation, having real or personal estate in any city or town in this Commonwealth, to be sold, by public auction, to employ for the purpose of making such sale any auctioneer duly licensed under the provisions of the twenty-ninth chapter of the Revised Statutes. And any auctioneer so employed, is hereby authorized to sell such real or personal estate upon the premises where the same may be situated, although it may be without the limits of the county in which he resides, or has his license; anything in said twenty-ninth chapter to the contrary notwithstanding.

Hawkers and peddlers not authorized to sell out of the town or city where they were licensed.

SECT. 2. Nothing contained in this act or in an act entitled "An Act concerning Auctioneers," passed in the year one thousand eight hundred and thirty-seven, shall be construed as authorizing or in any way empowering hawkers and peddlers, or other itinerant traders who may now hold, or may hereafter hold an auctioneer's license, to sell, or expose for sale, by public auction, any goods, wares, or merchandise whatever, in any other city or town than in the one from whose authorities such license was obtained; and there only in such place or places, as shall be expressly described or set forth in said license. [*Approved by the Governor, April 20, 1852.*]

An Act to extend the time for the location and construction of the Fairhaven Branch Railroad. *Chap. 116*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The times allowed to the Fairhaven Branch Railroad Company to locate and construct its railroad, are hereby respectively extended one year beyond the periods now fixed by law for the location and construction thereof. *[Approved by the Governor, April 20, 1852.]* One year.

An Act concerning the Medway Branch Railroad Company. *Chap. 117*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The stockholders of the Medway Branch Railroad Company are authorized to construct their railroad according to the provisions of previous acts relating thereto; with all the powers and privileges, and subject to all the duties and liabilities, mentioned therein at any time within six months from the first day of May next. Stockholders authorized to construct their road within six months from first of May next.

SECT. 2. The capital stock of the said Medway Branch Railroad Company is reduced to three hundred and fifty shares, of the par value of one hundred dollars each. Capital stock reduced to 350 shares, of the par value of \$100 each.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 20, 1852.]* Takes effect.

An Act in relation to the Boston and Maine Railroad Company, and the Salem and Lowell Railroad Company. *Chap. 118*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and Maine Railroad Company may enter upon and use the Salem and Lowell Railroad according to law. B. and M. Railroad Co. may enter on the S. and L. Railroad.

SECT. 2. The Salem and Lowell Railroad Company may enter upon and use the Boston and Maine Railroad according to law: *provided*, that nothing contained in this act shall be construed to impair the rights of any person or corporation. S. and L. Railroad may enter on the B. and M. Railroad. *Proviso.*

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed. *[Approved by the Governor, April 20, 1852.]* Acts repealed.

Chap. 119

An Act concerning the Powers of School Districts.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

When selectmen may locate school-houses.

If, at any meeting of the legal voters of any school district, they cannot determine by a vote of two thirds of the voters present, and voting thereon, where to place their school-house, the selectmen of the town to which the said district belongs shall determine where such school-house shall be placed, in the same manner as is provided in the thirtieth section of the twenty-third chapter of the Revised Statutes. [*Approved by the Governor, April 20, 1852.*]

Chap. 120

An Act to incorporate the Salem Lyceum.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Daniel A. White, Stephen C. Phillips, George Peabody, their associate petitioners and successors, and the male citizens of the city of Salem of twenty-one years of age, purchasers of tickets to the twenty-third course of lectures of the Salem Lyceum, are hereby made a corporation by the name of the Salem Lyceum, for the purpose of diffusing knowledge and promoting intellectual improvement in the city of Salem, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, duties, &c., as in 44th ch. R. S.

May hold real and personal estate of \$20,000,

Three trustees,

How chosen.

Vacancies, how filled.

Doings of trustees subject to control of joint board.

Property now owned subject to same control.

SECT. 2. The said corporation may hold real and personal estate, to be used for the purposes aforesaid, not exceeding in all, the value of twenty thousand dollars, the legal title to which shall be in three trustees, and their successors, to be chosen by the corporation at a meeting of members thereof legally called for that purpose.

SECT. 3. When any vacancy shall occur in said board of trustees by death, resignation, or incapacity to perform the duties of said office, said vacancy shall be filled by the corporation at a meeting of the members thereof legally called for that purpose. Said trustees shall be subject in the care, management, and disposal of said property, to the control and direction of a joint board, consisting of the trustees and board of directors for the time being, which board of directors shall not consist of more than fifteen members.

SECT. 4. All property now owned by, or which may accrue to, the Salem Lyceum, shall belong to the trustees before-mentioned, subject to the control and direction of the joint board above named.

SECT. 5. Male citizens of Salem, of the age of twenty-one years, shall be eligible as members of the corporation; but the corporation, at any meeting legally called for that purpose, may make such by-laws and regulations in regard to membership, choice of directors, and other matters, for the purposes of their incorporation, hereinbefore provided, as it may deem proper.

Citizens of Salem of twenty-one years eligible as members. Corporation may make by-laws regulating election of members and officers. Act takes effect.

SECT. 6. This act shall take effect from and after its passage. [Approved by the Governor, April 20, 1852.]

An Act to authorize the organization of a corporation by the name of the Boston Steam-Engine Company. *Chap. 121*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Otis Tufts, Charles O. Whitmore, Samuel Lawrence, and their associates, are hereby authorized to organize a corporation by the name of the Boston Steam-Engine Company, for the purpose of manufacturing steam-engines and other machinery, and steam-vessels, in the city of Boston, and in the town of Malden in the county of Middlesex, according to the provisions of an act entitled "An Act relating to Joint-Stock Companies," passed in the year one thousand eight hundred and fifty-one, with a capital stock of not less than two hundred thousand dollars nor more than one million dollars, anything in said act to the contrary notwithstanding.

Corporators. Purpose. Capital not less than \$200,000.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April 20, 1852.]

Takes effect.

An Act to protect Shad in Connecticut River.

Chap. 122

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No person shall catch, take, or destroy shad in Connecticut River after the first day of July in each year.

SECT. 2. Any person convicted of a violation of this act, shall be punished by a fine not exceeding ten dollars. [Approved by the Governor, April 20, 1852.]

Chap. 123

An Act concerning the Public Schools.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any town in the Commonwealth containing less than five hundred families, or householders, may establish and maintain such schools as are mentioned and described in the fifth section of the twenty-third chapter of the Revised Statutes. [*Approved by the Governor, April 20, 1852.*]

Chap. 124

An Act relating to the Dorchester and Milton Branch Railroad Company and the Old Colony Railroad Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May lease its franchise to Old Colony, as set forth in written agreement.

SECT. 1. The Dorchester and Milton Branch Railroad Company is hereby authorized to lease its road, franchise, and property of every kind, real, personal, and mixed, to the Old Colony Railroad Corporation for such term of time, for such rent, and under such conditions and stipulations as to the running of cars, and all other matters, as are set forth in the memorandum of an agreement entered into by the said two corporations, dated July, in the year one thousand eight hundred and fifty-one, and submitted with the sixth annual report of the directors of the said Dorchester and Milton Branch Railroad to the Legislature of this Commonwealth.

May issue notes or bonds \$30,000. Old Colony may guaranty payment.

SECT. 2. Said Dorchester and Milton Branch Railroad Company is hereby authorized to make, execute, and issue notes or bonds to an amount, the principal of which shall not exceed the sum of thirty thousand dollars; and said Old Colony Railroad Corporation is hereby authorized to guaranty, indorse, or in some other way become responsible for the payment of the principal and interest of said notes or bonds; said notes or bonds may be made and executed in such form and manner, issued in such sums, and be made payable, principal and interest, at such times, as may be agreed upon by said two corporations.

May mortgage to Old Colony, how.

SECT. 3. Said Dorchester and Milton Branch Railroad Company is hereby authorized to convey their road, franchise, and property of every kind, real, personal, and mixed, to said Old Colony Railroad Corporation in mortgage, in order to secure said last named corporation against all loss, costs, damage, and expense which may arise or happen to it by reason of its guaranteeing, indorsing, or otherwise becoming responsible for the payment of the principal and

interest of said notes or bonds of said Dorchester and Milton Branch Railroad Company, pursuant to this act.

SECT. 4. Said two corporations are hereby authorized to make such arrangement, as to applying the rents and income of said Dorchester and Milton Branch Railroad Company, for the payment of its debts and liabilities, through the intervention of trustees or otherwise, subject to the rights of the mortgagees, as set forth in the agreement aforesaid.

The two corporations may arrange to pay debts, &c., how.

SECT. 5. Nothing in this act contained shall be construed or taken to prejudice or impair the existing rights of creditors, or other persons having interest in said Dorchester and Milton Branch Railroad Company.

Nothing to prejudice existing rights.

SECT. 6. This act shall take effect from and after its passage. [Approved by the Governor, April 20, 1852.]

Takes effect.

An Act to authorize the organization of the Dunnell Manufacturing Company. Chap. 125

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jacob Dunnell, Nathaniel W. Brown, Thomas L. Dunnell, and their associates, are hereby authorized to organize a corporation by the name of the Dunnell Manufacturing Company, for the purpose of manufacturing, bleaching, printing, and finishing all kinds of textile fabrics, and selling the same, at Pawtucket, in the county of Bristol, according to the provisions of "An Act relating to Joint-Stock Companies," passed in the year one thousand eight hundred and fifty-one, with a capital stock of not less than two hundred thousand dollars, nor more than five hundred thousand dollars, anything in the said act to the contrary notwithstanding.

Corporators.

Purpose.

Capital not less than \$200,000, nor over \$500,000.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April, 20, 1852.]

Takes effect.

An Act to authorize Reviews of Judgments upon Recognizances to the Commonwealth. Chap. 126

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any court in this Commonwealth that shall have rendered judgment on any recognizance, the penalty of which has been forfeited to the Commonwealth, may grant a review of such judgment and a rehearing of the case, on the petition of any party or person interested to

Any case of forfeiture to Commonwealth may be reviewed by court for sufficient cause.

have such judgment revised and reversed, in whole or in part, upon the surrender or recaption of the prisoner, who was enlarged on the giving of such recognizance,—or for any cause in the opinion of the court sufficient, that may have occurred, or have been by such person or party interested ascertained after the rendition of such judgment,—or at such time as not to have afforded opportunity for presenting the same in evidence.

Petition to be filed and notice fourteen days.

SECT. 2. Such petition, stating the grounds relied upon, shall be filed in such court, and notice thereof with a copy of the same shall be given to or served on the attorney for the Commonwealth for the same county where such court is to sit, fourteen days at least before its term, at which such hearing may be had; unless such attorney shall in writing waive such notice or service.

When judgment has been paid—proceedings.

SECT. 3. If it shall appear to the court that the amount of such preceding judgment, or part thereof, has been actually paid to or for the Commonwealth upon such recognizance, or the judgment thereon, and if, upon such review, the court shall order the judgment to be reversed or given for a less sum than shall have been so actually paid, the court may order to be repaid, the sum by which the amount so previously paid to or for the Commonwealth shall exceed the amount of the judgment so finally rendered or affirmed, to the party so having paid, as aforesaid, or his legal representatives; and the treasurer of the Commonwealth, if he has received such payment, or other officer of the Commonwealth who received the same, and has not paid it over to the treasurer, shall, on presentation of proper evidence of authority therefor, repay the same accordingly.

Court may award costs.

SECT. 4. If, upon such petition, such review or order for altering or diminishing the previous judgment shall not be granted, the court may award reasonable costs for the Commonwealth against the petitioner. [*Approved by the Governor, April 20, 1852.*]

Chap. 127 An Act to increase the number of Justices of the Supreme Judicial Court.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Six instead of five judges.

SECT. 1. The number of justices of the Supreme Judicial Court shall be six instead of five, as now provided by law.

Three to be a quorum at law term, sufficient to try all cases.

SECT. 2. Three justices shall be a quorum at any law term of the said court to decide questions of law, or at any trial or hearing required to be had before the full court.

SECT. 3. This act shall take effect from and after its Takes effect.
 passage. [*Approved by the Governor, April 20, 1852.*]

An Act to increase the Guarantee Fund of the People's Mutual Health Assurance Company. Chap. 128

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The second section of the act entitled "An Act to incorporate the People's Mutual Health Assurance Company," in the town of Springfield, passed in the year one thousand eight hundred and fifty, is hereby so far amended as to increase the guarantee capital to fifty thousand dollars ; one half of which shall be paid in within one year from the passage of this act, and the other half in the manner provided for in said section in respect to the original guarantee capital. [*Approved by the Governor, April 20, 1852.*]

Fund increased to \$50,000.
Half to be paid in one year, remainder as before provided.

An Act in addition to "An Act relating to the Erection and Use of Buildings for Stables and Bowling-Alleys." Chap. 129

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The first section of "An Act relating to the Erection and Use of Buildings for Stables and Bowling-Alleys," passed in the year one thousand eight hundred and fifty-one, shall be in force in any city or town within thirty days after the city council of such city, or the inhabitants of such town, at a legal meeting shall by vote have adopted the same. [*Approved by the Governor, April 20, 1852.*]

Shall be in force in thirty days after any city or town shall have adopted same.

An Act to incorporate the Bellingham Branch Railroad Company. Chap. 130

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Gardner, Freeman Fisher and Gardner Colby, their associates and successors, are hereby made a corporation by the name of the Bellingham Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroads, and to all other general laws that have been or may be hereafter passed relative to railroad corporations.

Corporators.
Powers, privileges, liabilities, &c., as in 44th chapter R. S.

Railroad,
where and how
located, &c.

SECT. 2. Said company are hereby authorized and empowered to locate, construct, and maintain a railroad, commencing at some convenient point on the Norfolk County Railroad near Scott's hill, in the town of Bellingham, and thence to the dividing line between this State and Rhode Island in the direction of the village of Woonsocket.

May unite with
Norfolk County
Railroad,
where and
how.

SECT. 3. Said company are hereby authorized to enter upon, and unite their railroad by proper means with the Norfolk County Railroad, at the intersection thereof, in said Bellingham, and also to use said Norfolk County Railroad according to the provisions of law.

Bellingham
Branch may
connect with
Woonsocket
U. R. R.

May contract
for use of road
or property,
with Woon-
socket or N.
C. R. R.

SECT. 4. Said Bellingham Branch Railroad Company are hereby authorized to connect their railroad, at the line of the State, with the railroad of the Woonsocket Union Railroad Company, and may make any contract or contracts with the owners of said railroad or with the owners of the Norfolk County Railroad for the leasing or use and maintenance of the road hereby authorized, and of the property connected therewith.

Act void, un-
less location
be filed in one
year, or com-
pleted in two
years.

Provided,
Woonsocket
Railroad be
not done in two
years, then
time extended
to three years.

SECT. 5. This act shall be void if the location of the road herein authorized shall not be filed with the county commissioners of the counties of Worcester and Norfolk within one year, or if said road shall not be completed within two years from the passage of this act: *provided, however,* that in case the railroad of the Woonsocket Union Railroad Company in Rhode Island shall not be constructed within two years, then the time hereinbefore specified for the location and construction of the road herein authorized, shall be extended, and this act shall continue in force, and said road may be located and constructed at any time within three years.

Capital stock
\$50,000, divid-
ed into five
hundred
shares.

No shares is-
sued for less
than par value.

SECT. 6. The capital stock of the corporation shall be fifty thousand dollars, which shall be divided into five hundred shares of one hundred dollars each.

Construction
not to begin
till twenty per
cent., par val-
ue each share
be paid.

SECT. 7. No shares in the capital stock of said company shall be issued for a less amount, to be actually paid in on each, than the par value of the shares in the original capital stock of the company.

SECT. 8. The construction of said road shall not be commenced until twenty per cent. of the par value of each and every share of the capital stock shall have been paid into the treasury of said company, and a certificate of the same signed and sworn to by the president and a majority of the directors, shall have been filed in the office of the secretary of the Commonwealth. [*Approved by the Governor, April 20, 1852.*]

An Act to change the name of the Hampden Mutual Fire Insurance Company. *Chap. 131*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Hampden Mutual Fire Insurance Company shall hereafter be called and known by the name of the Hampden Stock and Mutual Fire Insurance Company. [*Approved by the Governor, April 20, 1852.*]

An Act concerning Savings-Banks and Institutions for Savings. *Chap. 132*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The treasurer of any savings-bank, or of any institutions for savings, which has been or shall hereafter be incorporated in this Commonwealth, shall, upon the written request of any overseer of the poor of any city or town of the Commonwealth, signed by him, inform such overseer of the poor of the amount, if any, which may be deposited in the savings-bank or institution for savings, of which he is the treasurer, to the credit of any person named in the written request aforesaid, who may be at the time a charge upon the Commonwealth, or upon any city or town of the Commonwealth, as a pauper.

Treasurer of any savings-bank, when asked in writing by any overseer of poor, whether a pauper under his charge has any deposit, is obliged to furnish the necessary information.

SECT. 2. The treasurer of any savings-bank or of any institution for savings as aforesaid, shall, upon the written request of any assessor of any city or town of the Commonwealth, signed by him, inform such assessor of the amount, if any, exceeding one hundred dollars, deposited in the savings-bank or institution for savings, of which he is the treasurer, to the credit of any person named in his written request aforesaid, who may be at the time a resident of the city or town of which he is an assessor.

Treasurer requested by any assessor, as to the amount of deposit, is obliged to furnish the amount, if over \$100.

SECT. 3. If any treasurer of any savings-bank or institution for savings as aforesaid, shall unreasonably refuse to give the information required by this act, or shall wilfully render false information, he shall forfeit and pay the sum of fifty dollars for every such offence, to the use of the city or town upon which such pauper may be a charge, or to the Commonwealth, if such pauper is a charge upon the same, or to the city or town of any such assessor.

\$50 penalty for refusal or wrong information.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1852.*]

Takes effect.

Chap. 133 An Act extending the time for locating and constructing the extension of the Cape Cod Branch Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time extended two years.

SECT. 1. The times limited for the location and construction of the extension of the Cape Cod Branch Railroad by an act entitled "An Act to authorize the Cape Cod Branch Railroad Company to extend its road," passed in the year one thousand eight hundred and fifty-one, are hereby extended two years respectively.

The company and Wareham authorized to maintain bridge over Wankinco river.

SECT. 2. The Cape Cod Branch Railroad Company and the town of Wareham are hereby authorized to maintain the bridge over the Wankinco river in Wareham, as it now exists, and without a draw, until further action of the Legislature : anything in the act of incorporation of said railroad company, or in an act entitled "An Act authorizing the county commissioners of the county of Plymouth to construct a bridge over the Wankinco river," passed in the year one thousand eight hundred and forty, to the contrary notwithstanding. [Approved by the Governor, April 20, 1852.]

Chap. 134 An Act in addition to An Act to incorporate the New England Coal Mining Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May hold \$100,000 in real estate.

Capital 10,000, shares \$25 each.

Proviso.

SECT. 1. The New England Coal Mining Company may hold for the purposes for which they were incorporated, real estate not exceeding in value one hundred thousand dollars ; and the capital stock of said company shall consist of not over ten thousand shares not exceeding twenty-five dollars each : *provided*, that no certificate of shares in the capital stock of said company shall be issued, that shall not mention the amount paid in.

Part of former act repealed.

SECT. 2. Such part of the act incorporating said company as is inconsistent with this act is hereby repealed. [Approved by the Governor, April 20, 1852.]

Chap. 135 An Act to authorize the organization of a corporation by the name of the "Ridgway Coal Mining Company."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. George Odiorne, A. B. Coffin, Richard Lang, and their associates are hereby authorized to organize a

corporation by the name of the Ridgway Coal Mining Company, for the purpose of mining coal in the towns of Mansfield, Norton, and Attleborough, in the county of Bristol, according to the provisions of an act entitled "An Act relating to Joint-Stock Companies," passed in the year one thousand eight hundred and fifty-one; with a capital stock of not less than two hundred thousand dollars, nor more than two hundred and fifty thousand dollars, anything in said act to the contrary notwithstanding.

Location.

Capital not less than \$200,000, nor over \$250,000.

SECT. 2. The provisions of the said act so far as relates to depositing certificates with the clerks of cities and towns, and recording the transfer of stock, shall be considered as complied with, on the part of this corporation, by its causing such deposits of certificates and records to be made in said town of Mansfield and the city of Boston.

Certificates and records to be deposited in the town of Mansfield.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 20, 1852.]

Takes effect.

An Act to set off a part of the Town of Dedham, and annex the same to the Town of West Roxbury. Chap. 136

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the town of Dedham, in the county of Norfolk, as lies northeasterly of a line extending from a corner monument between the said town of Dedham and the town of West Roxbury, on or near land belonging to the Shuttlesworth estate, and in continuation of the straight line between said corner monument and a monument next southeasterly between said towns, on the old road from Dedham to Boston, till it meets the centre of the channel of Charles River, and thence northerly by the centre of said channel to the present line between Dedham and West Roxbury, with all the inhabitants and estates thereon, is hereby set off from the town of Dedham and annexed to the town of West Roxbury; *provided, however,* that for the purpose of electing representatives to the General Court, to which the said town of Dedham is entitled, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment to the Constitution, the said territory shall remain and continue to be a part of the town of Dedham, and the inhabitants resident therein shall be entitled to vote in the choice of such representatives, and shall be eligible to the office of representative in the town of Dedham in the same manner as if this act had not been passed.

Boundaries.

Unaltered as to representatives.

Taxes, where
to be paid.

SECT. 2. The said inhabitants and estates so set off, shall be liable to pay all taxes that have been legally assessed on them by the town of Dedham, in the same manner as if this act had not been passed.

West Roxbury
to support
paupers on
new territory.

SECT. 3. If any persons who have heretofore gained a legal settlement in the town of Dedham by reason of residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall stand in need of relief or support as paupers, they shall be relieved and supported by the said town of West Roxbury, in the same manner as if they had gained a legal settlement in that town.

West Roxbury
to furnish list
of voters.

SECT. 4. The selectmen of West Roxbury shall annually, fourteen days at least before the second Monday of November, furnish the selectmen of Dedham a correct list, so far as may be ascertained from the records of the town of West Roxbury, or any of its officers, of all persons resident on the territory hereby set off, who shall be entitled to vote for representatives, as aforesaid, in Dedham; and for every neglect by the said selectmen so to furnish such list, the town of West Roxbury shall forfeit the sum of one hundred dollars; and for the making of any false return in respect to any part of such list, shall forfeit the sum of twenty dollars for every name in respect to which a false return shall have been made, to be recovered in the same manner as is provided in the fourth section of the third chapter of the Revised Statutes, in respect to penalties for neglect, or false returns of collectors of towns.

West Roxbury
to pay \$400 to
Dedham with-
in one year.

SECT. 5. The town of West Roxbury shall pay to the town of Dedham, within one year from the passage of this act, the sum of four hundred dollars; which said sum it shall be lawful for the said town of West Roxbury to assess upon the real estate of the district hereby set off, and to collect in the same manner that State, town, and county taxes are now assessed and collected.

Act void, un-
less consented
to in sixty
days.

SECT. 6. This act shall be void unless the town of West Roxbury shall, within sixty-days of the passage of this act, at a meeting called for that purpose, express their assent to the same, and agree to pay said town of Dedham said sum of four hundred dollars.

Takes effect.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1852.*]

An Act in addition to an Act concerning Mutual Marine Insurance Companies. *Chap. 137*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All mutual marine insurance companies which have been, or shall hereafter be, incorporated in this Commonwealth, after having been in operation not less than twelve months, shall cause an annual dividend statement to be made up in each year, which shall contain a fair estimate of the net profits of the company not before divided, taking into view the probable amount to be paid on all claims, outstanding risks, and demands, which have been or may be made against the company, including all expenses, interest, and allowances for previous deficiencies; and after ascertaining in this mode the net profits of the year, on the risks terminated, the directors may declare a dividend of such profits, of a certain per centum on the premiums received for such terminated risks, and the subscriptions made to the safety fund in that year, and issue certificates representing said dividend, to the persons in whose names the policies of insurance and subscriptions for the year, in conformity to the fifteenth section of the two hundred and eighty-first chapter of the act of eighteen hundred and fifty-one were originally made, or to their legal representatives; and the said certificates shall be transferable only on the books of the company, under regulations to be prescribed by the by-laws; and such certificates shall contain a proviso declaring the same to be subject to any future losses and expenses of the company until the same are redeemed, as hereinafter provided, and subject to be reduced by the directors in case of losses and expenses, in any subsequent year, exceeding the estimated profits of such year: *provided*, that no original certificate shall be required to be issued for a less sum than ten dollars, but all sums less than ten dollars may be passed to the contingent accounts of the company.

Having been in operation at least one year, shall make annual estimate of dividend.

Directors may declare dividend of certain per cent. profits, and subscriptions to safety fund, and issue certificates.

SECT. 2. Any mutual marine insurance company may pay on the certificates issued in conformity with the preceding section, from the accrued income of their invested funds, interest not exceeding six per centum per annum; and whenever the net profits of any such company shall exceed the sum of two hundred and fifty thousand dollars, the excess may be applied from year to year thereafter, to the redemption of the certificates of the previous years, in such manner as the directors may determine; but no certificates of any year shall be redeemed while certificates of previous

Six per cent. interest may be paid on certificates.

years remain unredeemed; and whenever the accumulations of net profits of such company shall exceed the sum of five hundred thousand dollars, all such excess shall be so applied.

Debt due from persons entitled to a certificate may be deducted.

SECT. 3. In case any person or persons, entitled to a certificate of profits, shall be indebted to such company for sums past due and unpaid, the company may withhold the certificate and deduct such sum or sums from the amount thereof, and reduce or cancel the same; but persons holding policies of the company, or entitled to certificates, shall not be answerable by reason thereof, or for anything contained therein, except for the payment of their premium, or other notes in advance for premiums. [*Approved by the Governor, April 21, 1852.*]

Chap. 138

An Act to incorporate the Proprietors of the Acushnet Bridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Jonathan P. Lund, Rodney French, Thomas Bennette, their associates and successors, are hereby made a corporation by the name of the Acushnet Bridge Corporation, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, privileges, &c., as in 44th chapter of R. S.

Empowered to locate and build a bridge as described.

SECT. 2. Said corporation are hereby authorized and empowered to erect a bridge over Acushnet River, commencing at some point between Railroad wharf and Belville wharf, on the west side of said river, in the city of New Bedford; thence crossing the river to the most convenient point on the east side of said river, in the town of Fairhaven. Said bridge shall be twenty-eight feet wide, and shall be built of suitable materials, with sufficient rails on each side for the protection of passengers, and in such manner as the corporation may determine upon; *except* such parts of it as may be over water more than ten feet deep at ordinary high water, which portion shall be built upon piles; and the whole shall be kept in good repair at all times: *provided, however*, that nothing contained in the preceding clause shall prevent the construction of such piers or abutments of stone or other materials, and of such suitable dimensions as shall be deemed necessary for the permanence and security of the draw hereinafter provided for. And said draw shall be widened at the expense of said corporation, whenever the Legislature shall direct.

Twenty-eight feet wide.

Draw may be widened by direction of Legislature.

SECT. 3. There shall be a convenient draw in said bridge over the channel of said river, not less than forty feet in width, for the passing of vessels; and the said corporation shall constantly keep some suitable person or persons at said bridge, who shall open said draw for any vessel that may be passing up or down said river, free of expense to the owners thereof; and if the person or persons whose duty it shall be to open said draw for the passage of vessels, shall unreasonably neglect or refuse to do so, the corporation shall, for every such neglect or refusal, be liable to a fine of ten dollars, for the benefit of the person or persons damaged by such delay, to be recovered in any court of competent jurisdiction to try the same; and said bridge shall not be less than twenty feet wide at the draw.

Draw over channel forty feet wide.

Suitable person shall attend it.

Fine \$10 for neglect to open draw.

SECT. 4. A toll is hereby granted and established for the benefit of said corporation, according to the following rates, *to wit*: for each foot passenger, one cent; for each foot passenger with wheelbarrow or hand-cart, two cents; for each horse and rider, five cents; for all carriages with one horse, ten cents, and three cents extra for each additional horse; for loaded teams with one horse, twelve cents, and for each additional horse, five cents extra; for loaded teams drawn by one pair of oxen, fifteen cents, and for each additional pair, five cents extra; for each horse without a rider, and for neat cattle, two cents each; for sheep and swine, one cent each; for all carriages unattached to any animal, five cents; and one person and no more shall be allowed to each team, as a driver, to pass free of toll; said toll shall commence on the day of the opening of said bridge and shall continue for fifty years, *unless* as hereinafter provided for; and at the place of receiving said tolls there shall be constantly exposed to view a sign-board, with the rates of toll fairly and legibly painted thereon.

Rates of toll.

A sign-board, with rates of toll, to be kept up.

SECT. 5. Said corporation is hereby authorized and empowered to take and hold real estate in the city of New Bedford and in the town of Fairhaven, needful for the construction and maintaining of said bridge and opening and establishing the necessary communications with the streets, highways, and public avenues of said city and town respectively; and said corporation shall be holden to make compensation to any person whose real estate shall be taken for the uses aforesaid; and if there shall be a difference of opinion as to the value of the same, either of the said parties may apply to the county commissioners of the county of Bristol; whereupon the same proceedings shall be had in respect of damages, costs, and trial by jury as are

Authorized to hold real estate.

Value of lands taken, how settled.

Damages, costs, and trial, as by 24th ch. R. S.

provided for by the twenty-fourth chapter of the Revised Statutes, concerning town-ways and private-ways.

On receiving certain amount the bridge will revert to Commonwealth.

SECT. 6. Whenever the receipts of toll or income of said bridge shall have amounted to a sum sufficient to defray the expenses of building, repairing, and sustaining the same, and paying the interest of eight per cent. on the first cost, the said bridge shall revert to the Commonwealth.

To be completed in six years, or act void.

SECT. 7. If the said bridge shall not be completed and open for travel in six years from the passage of this act, then this act shall be void.

Capital to be \$15,000. No shares to be issued for less than par value.

SECT. 8. The capital stock of said corporation shall be fifteen thousand dollars: *provided*, that no shares in said capital stock shall be issued for a less sum to be paid in on each than the par value of the shares first issued. [Approved by the Governor, April 21, 1852.]

Chap. 139

An Act to abolish Duties on Sales by Auction.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Hereafter no tax or duty shall be imposed on any sale by auction.

Acts inconsistent repealed.

SECT. 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed. [Approved by the Governor, April 21, 1852.]

Chap. 140

An Act concerning Tender, in Actions at Law, and Suits in Equity.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Defendant may offer to plaintiff any sum in writing as amount due.

SECT. 1. Whenever any defendant in any action at law, or in any suit in equity wherein damages only are sought to be recovered, pending in any court in this Commonwealth, shall, in the court in which such suit or action is pending, offer, and consent in writing, to be defaulted, and that judgment shall be rendered against him, as damages, for a sum by him specified in said writing, the same shall be entered of record, together with the time when the same was tendered; and the plaintiff may, at any time within ten days after he has received notice of such offer and consent, accept of judgment, for the sum so offered as damages; and the court shall render judgment accordingly, with costs to the date of such notice; or if, after such notice, the court in which such offer shall be made, shall, for good cause, grant the plaintiff a further time to elect, then the plaintiff

Plaintiff may within ten days accept judgment accordingly, and costs to date of notice. Further time to elect may be allowed.

may signify his acceptance as aforesaid, at any time before the expiration of the time so allowed by the court, and judgment shall be given by the court, upon such acceptance, as if the acceptance had been within ten days as aforesaid.

SECT. 2. Whenever, in the final disposition of any such suit or action as is named in the preceding section, such offer and consent as is therein named shall have been made by the defendant, and the plaintiff shall not have elected as aforesaid to accept the same, if the plaintiff shall not recover a greater sum than the sum so offered, not including interest on the sum recovered in damages from the date of such offer, the defendant shall have judgment against the plaintiff for his costs after the date of such offer, and execution shall issue therefor; and the plaintiff, if he shall recover any damages, shall be allowed his costs only up to the date of such offer and consent.

When plaintiff shall not accept, and not recover greater sum.

Defendant shall have judgment for costs after date.

SECT. 3. No offer or consent, made in pursuance with the foregoing sections, which shall not be accepted, shall be evidence against the party making the same, either in any subsequent proceeding in the action or suit in which such offer is made, or in any other action or suit. [*Approved by the Governor, April 21, 1852.*]

Offer not accepted shall be no evidence against defendant.

An Act to incorporate the Trustees of the Tufts College.

Chap. 141

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. B. B. Mussey, Timothy Cotting, Richard

Corporators.

Frothingham, Jr., their associates and successors, are hereby constituted a body corporate by the name of the Trustees of the Tufts College, in Medford, and they and their successors, and such as shall be duly elected members of said corporation, shall be and remain a body corporate by that name forever. And for the orderly conducting the business of said corporation, the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary, and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices; and also to remove any trustee from the same corporation, when, in their judgment, he shall be rendered incapable, by age, or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same; and also, from time to time, to elect new members of the said corporation: *provided, nevertheless*, that the number of members shall never be greater than twenty-three.

Trustees to elect president and other officers, declare duties and tenures of office, and remove officers.

Corporation not to exceed twenty-three.

Corporation to determine time, place, and manner of notifying and holding meetings by trustees.

Corporation may purchase, erect, and repair buildings, and make rules, by-laws, &c., with suitable penalties, regulate instruction and confer degrees.

No business to be transacted unless half the members present.

Corporation may have a seal.

May sue and be sued.

May hold real and personal estate.

Provided—net annual income exceed not \$20,000.

Rents and profits shall go to endowment of college, so as to promote virtue and piety, arts and sciences, &c., conforming to will of the donors.

SECT. 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the trustees to convene at such meetings; and also, from time to time, to elect a president of said college, and such professors, tutors, instructors, and other officers of the said college, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities, and tenures of their several offices. And the said corporation are further empowered to purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said college; and also to make and ordain, as occasion may require, reasonable rules, orders, and by-laws, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties for the good government of the said college, and for the regulation of their own body, and also to determine and regulate the course of instruction in said college, and to confer such degrees as are usually conferred by colleges in New England, except medical degrees: *provided, nevertheless*, that no corporate business shall be transacted at any meeting unless one half, at least, of the trustees are present.

SECT. 3. The said corporation may have a common seal, which they may alter or renew at their pleasure, and all deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name, be considered in law as the deeds of said corporation; and that said corporation may sue and be sued in all actions, real, personal, or mixed, and may prosecute the same to final judgment and execution by the name of the Trustees of the Tufts College; and said corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, bequest, devise, or otherwise, any lands, tenements, or other estate, real or personal: *provided*, that the clear annual income of the same shall not exceed twenty thousand dollars.

SECT. 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the endowment of said college, in such manner as shall most effectually promote virtue and piety, and learning in such of the languages, and of the liberal and useful arts and sciences, as shall be recommended from time to time by the said corporation, they conforming to the will of any donor or donors in the application of any estate which may be given, devised, or bequeathed for any particular object connected with the college.

SECT. 5. The said trustees be, and are hereby authorized to receive all the real estate, goods, chattels, choses in action, and property of every description whatever, which has heretofore been given, conveyed, purchased, bequeathed, devised, or in any other way secured to the trustees of the Tufts institution of learning, with the intent and for the purpose of establishing and maintaining a classical or collegiate institution in Medford; and that all the said funds and estate, as well as all other property which may be received by them, shall be faithfully and forever used and appropriated according to the will of the donors.

Trustees authorized to receive property of all kinds already given.

All funds to be faithfully applied according to the will of the donors.

SECT. 6. No instructor in said college shall ever be required by the trustees to profess any particular religious opinions as a test of office, and no student shall be refused admission to or denied any of the privileges, honors, or degrees of said college on account of the religious opinions he may entertain.

No religious test required.

SECT. 7. The Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul, or restrain any of the powers vested by this act in the said corporation, as shall be found necessary to promote the best interests of the said college, and more especially may appoint and establish overseers or visitors of the said college, with all necessary powers for the better aid, preservation, and government thereof.

Legislature may control the powers granted by this act, &c. &c.

SECT. 8. The granting of this charter shall never be considered as any pledge on the part of the government, that pecuniary aid shall hereafter be granted to the college. [Approved by the Governor, April 21, 1852.]

This charter no pledge for aid from government.

An Act to establish a State Board of Agriculture.

Chap. 142

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A State Board of Agriculture is hereby established, to consist of his excellency the governor, his honor the lieutenant-governor, and the secretary of State, *ex officio*; of one member from each of the agricultural societies in the Commonwealth that receives an annual bounty from the State, and of three members to be appointed by the governor and council. Said members shall hold their offices for three years, except as hereinafter provided:—and the governor and council, and the agricultural societies as aforesaid, shall, within sixty days after the passage of this act, appoint said members; and afterward whenever vacancies shall occur.

Board, how constituted.

At first meeting members (not *ex officio*) to be divided into three classes.

Terms of office.

Expiration of each class to be by lot.

Vacancies to be filled by governor and council, &c.

Duty of the board.

May hold and manage any donations.

Shall meet at State house once each year.

May employ secretary.

Reports and returns shall be made to the secretary of the board.

Salary not exceeding \$1500.

No member of board to receive compensation from Commonwealth except his expenses.
Annual report to be made by chairman, &c.

Laws inconsistent repealed.

Takes effect.

SECT. 2. At the first meeting of this board appointed as aforesaid, and called by his excellency the governor, the three members appointed by the governor and council, and the members from the agricultural societies as aforesaid, shall be divided into three equal classes, as near as may be, and the term of office of the first class shall expire on the first Wednesday of February, in the year one thousand eight hundred and fifty-four; the second class on the first Wednesday of February, in the year one thousand eight hundred and fifty-five; and the third class on the first Wednesday of February, in the year one thousand eight hundred and fifty-six. The expiration of each class shall be determined by lot by the whole board, and the vacancies thus created shall be filled by the governor and council, and by the respective agricultural societies in which such vacancy may occur.

SECT. 3. It shall be the duty of this board to investigate all such subjects relating to improvement in agriculture in this Commonwealth as they may think proper, and they are hereby empowered to take, hold in trust, and exercise control over any donations or bequests that may be made to them for promoting agricultural education, or the general interests of husbandry.

SECT. 4. The board of agriculture shall meet at the State house in Boston at least once in each year, and as much oftener as they may deem expedient, and they are hereby empowered to employ a suitable person to act as secretary of the board, and to prescribe and determine his duties; but all the duties of the secretary of the Commonwealth, relating to returns of agricultural societies, shall be performed by the secretary of the board of agriculture; and all reports and returns now required by law to be made by said societies shall be made and returned to the secretary of this board. The governor and council shall determine his compensation; which compensation shall not exceed the sum of fifteen hundred dollars per annum; but no member of the board shall receive any compensation for his services from the Commonwealth, except for personal expenses when engaged on the duties of the board. And the said board shall annually, on or before the fourth Wednesday of January, by their chairman or secretary, submit to the Legislature a detailed report of their doings, with such recommendations and suggestions as in their view the interests of agriculture may require.

SECT. 5. All laws inconsistent with this act are hereby repealed.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1852.*]

An Act to divide the Commonwealth into Districts for the choice of Representatives in the Congress of the United States. *Chap. 143*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. For the purpose of electing representatives in the thirty-third Congress of the United States, and in each subsequent Congress, until otherwise provided by law, the Commonwealth shall be divided into eleven districts, each of which shall elect one representative, being an inhabitant of the same, in the manner now provided by law. Eleven districts.

SECT. 2. The said eleven districts shall be as follows, to wit:—

The several towns in the *counties of Barnstable, Dukes, and Nantucket*, together with the city of New Bedford, and the towns of Dartmouth and Fairhaven, in the *county of Bristol*; and the towns of Carver, Kingston, Plymouth, Plympton, Rochester, and Wareham, in the *county of Plymouth*, shall form one district, and be called DISTRICT NUMBER ONE. District No. 1, how formed.

The towns of Attleborough, Berkley, Dighton, Easton, Fall River, Freetown, Mansfield, Norton, Pawtucket, Raynham, Rehoboth, Seekonk, Somerset, Swanzey, Taunton, and Westport, in the *county of Bristol*; and the towns of Abington, Bridgewater, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Marshfield, Middleborough, North Bridgewater, Pembroke, Scituate, South Scituate, and West Bridgewater, in the *county of Plymouth*; and the town of Cohasset in the *county of Norfolk*, shall form one district, and be called DISTRICT NUMBER TWO. No. 2, parts of Bristol, Plymouth, and Norfolk.

The towns of Bellingham, Braintree, Canton, Dedham, Dorchester, Dover, Foxborough, Franklin, Medfield, Medway, Milton, Needham, Quincy, Randolph, Sharon, Stoughton, Walpole, West Roxbury, Weymouth, Wrentham, in the *county of Norfolk*; and the towns of Blackstone, Mendon, Milford, Northbridge, Upton, and Uxbridge, in the *county of Worcester*; and the towns of Brighton, Holliston, Newton, Sherburne, and Watertown, in the *county of Middlesex*, shall form one district, and be called DISTRICT NUMBER THREE. No. 3, parts of Norfolk, Worcester, and Middlesex.

The city of Roxbury, and the town of Brookline, in the *county of Norfolk*; and the wards numbered seven, eight, nine, ten, eleven, and twelve, in the city of Boston, in the *county of Suffolk*, shall form one district, and be called DISTRICT NUMBER FOUR. No. 4, parts of Norfolk and Suffolk.

The wards numbered one, two, three, four, five, and six, in the city of Boston, and the towns of Chelsea and North Chelsea, and Winthrop, in the *county of Suffolk*; and the No. 5, parts of Suffolk and Middlesex.

city of Cambridge, in the *county of Middlesex*, shall form one district, and be called DISTRICT NUMBER FIVE.

No. 6, parts of
Essex.

The cities of Lynn, Newburyport, and Salem, and the towns of Amesbury, Beverly, Essex, Georgetown, Gloucester, Groveland, Hamilton, Ipswich, Manchester, Marblehead, Newbury, Rockport, Rowley, Salisbury, Wenham, and West Newbury, in the *county of Essex*, shall form one district, and be called DISTRICT NUMBER SIX.

No. 7, parts of
Essex and
Middlesex.

The towns of Andover, Boxford, Bradford, Danvers, Haverhill, Lawrence, Lynnfield, Methuen, Middleton, Saugus, and Topsfield, in the *county of Essex*; and the city of Charlestown, and the towns of Burlington, Lexington, Malden, Medford, Melrose, Reading, Somerville, South Reading, Stoneham, Waltham, West Cambridge, Wilmington, Winchester, and Woburn, in the *county of Middlesex*, shall form one district, and be called DISTRICT NUMBER SEVEN.

No. 8, parts of
Middlesex and
Worcester.

The city of Lowell, and the towns of Acton, Ashby, Ashland, Bedford, Billerica, Boxborough, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Framingham, Groton, Hopkinton, Lincoln, Littleton, Marlborough, Natick, Pepperell, Shirley, Stow, Sudbury, Tewksbury, Townsend, Tyngsborough, Wayland, Westford, and Weston, in the *county of Middlesex*; and the towns of Berlin, Bolton, Harvard, Lunenburg, Northborough, Southborough, and Westborough, in the *county of Worcester*, shall form one district, and be called DISTRICT NUMBER EIGHT.

No. 9, parts of
Worcester

The towns of Ashburnham, Auburn, Barre, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Fitchburg, Gardner, Grafton, Holden, Hubbardston, Lancaster, Leicester, Leominster, Millbury, New Braintree, North Brookfield, Oakham, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Templeton, Webster, West Boylston, Westminster, and Winchendon, and the city of Worcester, in the *county of Worcester*, shall form one district, and be called DISTRICT NUMBER NINE.

No. 10, parts
of Worcester,
Franklin,
Hampshire,
and Hampden.

The towns of Athol, Dana, Hardwick, Petersham, Philipston, Royalston, Warren, and West Brookfield, in the *county of Worcester*; and Erving, Leverett, Montague, New Salem, Northfield, Orange, Shutesbury, Sunderland, Warwick, Wendell, and Whateley, in the *county of Franklin*; and Amherst, Belchertown, Easthampton, Enfield, Granby, Greenwich, Hadley, Hatfield, Northampton, Pelham, Prescott, South Hadley, and Ware, in the *county of Hampshire*; and Brimfield, Chicopee, Holland, Holyoke, Longmeadow, Ludlow, Monson, Palmer, Springfield, Wales, West Springfield, and Wilbraham, in the *county of*

Hampden, shall form one district, and be called DISTRICT NUMBER TEN.

The towns of Ashfield, Bernardston, Buckland, Charlemont, Coleraine, Conway, Deerfield, Gill, Greenfield, Hawley, Heath, Leyden, Monroe, Rowe, and Shelburne, in the county of *Franklin*; and Chesterfield, Cummington, Goshen, Middlefield, Norwich, Plainfield, Southampton, Westhampton, Williamsburg, and Worthington, in the county of *Hampshire*; and Blandford, Chester, Granville, Montgomery, Russell, Southwick, Tolland, and Westfield, in the county of *Hampden*; and the several towns in the county of *Berkshire*, shall form one district, and be called DISTRICT NUMBER ELEVEN.

No. 11, parts of Franklin, Hampshire, Hampden, and Berkshire.

SECT. 3. This act shall take effect from and after its passage. And all acts inconsistent with this act are hereby repealed. [Approved by the Governor, April 22, 1852.] Takes effect.

An Act in relation to Easements of Light and Air.

Chap. 144

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No person who has erected or may erect any house or other building, near the land of any other person, with windows overlooking such land of such other person, shall, by the mere continuance of such windows, acquire any easements of light or air, so as to prevent such other person, and those claiming under him, from erecting any building on such land: *provided*, that nothing herein contained shall invalidate any written agreement, made or to be made, in regard to such easements. [Approved by the Governor, April 22, 1852.] No written agreement invalidated hereby.

An Act to incorporate the Union Mutual Marine Insurance Company. Chap. 145

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Samuel Hale, Moody A. Thurlo, Isaac H. Boardman, their associates and successors, are hereby made a corporation by the name of the Union Mutual Marine Insurance Company, in Newburyport, for the term of twenty years, for the purpose of making maritime loans and insurance against maritime losses on the principle of mutual insurance, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in an act concerning insurance companies, passed in the year one Corporators. In Newburyport. Term, twenty years. Purpose. Powers, privileges, &c.

thousand eight hundred and forty-two, and in all subsequent acts relating to mutual marine insurance companies. [Approved by the Governor, April 24, 1852.]

Chap. 146 An Act to incorporate the Williamstown and Hancock Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** John M. Cole, Asahel Foote, Josiah A. Mills, Enoch Hubbard, Jr., Silas H. Gardner, and Rufus L. Mason, their associates and successors, are hereby made a corporation by the name of the Williamstown and Hancock Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and in all other general laws which have been or shall be hereafter passed, relative to railroad corporations.

Location. **SECT. 2.** Said company are empowered to locate, construct, and maintain a railroad with one or more tracks, from some convenient point on the north line of Williamstown, in the county of Berkshire, by the most convenient route, in a southerly direction through said town and the town of Hancock to the west line of said Hancock.

May contract with railroad companies in other States. **SECT. 3.** Said company may contract with the owners of any contiguous railroad leading into or from either of the States of Vermont or New York, for the use of the whole or any part thereof, or for the running and operating the two railroads conjointly, or for the leasing of such contiguous road, or for the letting or hiring of their own road to the owners of such contiguous road.

Capital stock not exceeding 5000 shares. **SECT. 4.** The capital stock of said company shall not exceed five thousand shares, the number of which shall be determined from time to time by the directors thereof; and no assessment thereon shall be laid of a greater amount, in the whole, than one hundred dollars on each share; and the said company may purchase and hold such real and personal estate as may be necessary for the purposes of its incorporation.

No assessment over \$100 per share. **SECT. 5.** If the location of said road be not filed within two years, and said railroad constructed within five years from the passage of this act, then the same shall be void.

May hold real and personal estate. **SECT. 6.** The Legislature may authorize any railroad company to enter, with its railroad, upon the Williamstown and Hancock Railroad, on such terms as may be agreed upon by said companies, or as may be prescribed by the provisions of law.

To be located in two years, and finished in five years, or act to be void.
Any road authorized may unite with W. and H. R. R. Co.

SECT. 7. The Legislature may, after the expiration of five years from the time when such railroad shall be opened for use, from time to time, alter and reduce the rate of toll, or profits, upon said road; but said toll shall not be so reduced, without the consent of said company, as to produce, with said profits, less than ten per cent. per annum upon the investments of the said company.

SECT. 8. The said company may, with its railroad, unite with, enter upon, cross, and use the railroad of the Troy and Greenfield Railroad Company, in the town of Williamstown, on such terms as may be agreed upon between the corporation hereby created and the aforesaid company, or as may be prescribed by law.

SECT. 9. The said corporation shall not commence the construction of its road until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president and a majority of the directors thereof, stating that all the stock named in their charter has been subscribed for by responsible parties, and that twenty per centum of the par value of each and every share of the stock thereof, has been actually paid into the treasury of the company.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1852.*]

An Act to extend the time for the alteration of their Bridges over Miller's River, by the Fitchburg Railroad Corporation. *Chap. 147*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time within which the Fitchburg Railroad Corporation is required by chapter three hundred and twenty-nine, of the acts of one thousand eight hundred and fifty-one, to construct solid embankments at their present crossings over Miller's River, in Somerville, is hereby extended six months from the twenty-fourth day of May, one thousand eight hundred and fifty-two. [*Approved by the Governor, April 24, 1852.*]

An Act to incorporate the Eastern Avenue Corporation.

Chap. 148

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Robert Rantoul, Jr., Samuel S. Perkins, Benjamin T. Reed, Samuel Leeds, Otis Rich, John P. Monks, Joseph W. Ward, their associates and successors, are

hereby made a corporation, by the name of the Eastern Avenue Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Solid structure one hundred feet wide, from L street to riparian line.

SECT. 2. The said corporation is hereby authorized to construct and maintain an avenue, to be of solid structure, one hundred feet wide, for a street and sidewalks, commencing at L street, being a point within the boundaries of the city institutions, in that part of Boston called South Boston, and running thence in a north-westerly direction one hundred rods from high-water-mark, or to riparian line, so called: said avenue to be provided with proper draw or draws and sluiceways, which draw or draws or sluiceways it shall be in the power of the Legislature to change and widen at the expense of the corporation or their successors.

May construct pile bridge one hundred feet wide, from solid avenue to Summer street.

SECT. 3. The said corporation is also authorized and empowered to construct and maintain a pile bridge, not exceeding one hundred feet in width, with stone piers one hundred feet wide, and not less than four hundred feet apart, and with suitable draw or draws, which draw or draws it shall be in the power of the Legislature to change and widen, at the expense of the corporation or their successors, commencing at the north-westerly end of the solid avenue described in the second section of this act, and running thence in a direct line to the foot of Summer street, in the city of Boston: *provided*, that none of the stone piers aforesaid shall be placed in Fore or Fort Point channel. *And provided, also*, that the southerly side of said bridge where it crosses the commissioners' line, on the easterly side of Fore Point channel, shall be twenty-one hundred feet from the angle in said commissioners' line: *and provided, further*, that the portion of the said bridge or avenue, which crosses the flats, shall be parallel to West Broadway, in said South Boston: *and provided, further*, that said bridge where it crosses said channel shall not be more than sixty-six feet "in width."

In crossing commissioners' line bridge to be twenty-one hundred feet wide.

In crossing flats bridge to be parallel with West Broadway.

Crossing channel not more than sixty-six feet wide.

May take land for street, paying damages as provided by law.

SECT. 4. The said corporation may purchase, or otherwise take, any land necessary for the purpose of making a street fifty feet wide, from the westerly termination of the bridge aforesaid, authorized by the third section of this act, to Summer street; and if they shall not be able to obtain such land by any agreement with the owner or owners thereof, they shall pay therefor such damages as shall be estimated and determined, in the manner provided by the laws of this Commonwealth in the case of laying out and widening streets in the city of Boston; and all damages to the estates of riparian proprietors, or owners, by the con-

struction of any of the structures authorized by this act, shall be estimated and determined in the same manner.

SECT. 5. The said avenue, bridge, street, draws, and sluiceways shall be constructed under the direction, and to the satisfaction, of three commissioners, to be appointed by the governor and council, and to be paid by the said corporation; and the said corporation shall be held liable to keep the same in good repair, and to open the said draws and afford all proper accommodations to vessels having occasion to pass the same by day or by night.

Avenue, bridge, street, sluiceways, made under three commissioners, appointed by governor and council at expense of corporation.

SECT. 6. The said bridge, street, and avenue, shall be open for free travel for the use of the public, without toll or charge therefor.

Free of toll.

SECT. 7. Before commencing the structures contemplated in the second and third sections of this act, the said corporation shall give bond, with satisfactory sureties, to the attorney-general of this Commonwealth, in the penal sum of fifty thousand dollars, that they shall be completed in all respects to the satisfaction of the commissioners aforesaid, and kept in good repair for public travel, and that the draw or draws shall be properly raised for all necessary demands of navigation, until such time as the said structures may be accepted by the city of Boston, which city shall be held to all the duties, liabilities, and restrictions of the said corporation. And the said bonds shall also be holden as security for the payment of all such damages to individuals as shall be estimated and determined in the manner provided in the fourth section of this act.

Corporation must give bond \$50,000.

Condition.

Use of bond.

SECT. 8. If the said avenue, bridge, and street shall not be completed within five years from the passage of this act, then the same shall be void.

Void unless completed in five years.

SECT. 9. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, April 24, 1852.]

Capital stock not over \$150,000.

No shares less than par value.

An Act to authorize John Nickerson and Eldridge Nickerson to construct a Fish-Wear in Provincetown Harbor. *Chap. 149*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Nickerson and Eldridge Nickerson, of Provincetown, in the county of Barnstable, are hereby authorized to construct a fish-wear on the flats on the side of Long Point, in Provincetown harbor, which flats join the

Where a fish-wear may be constructed.

uplands of the said Nickersons, with leave to extend the same as far as the tide ebbs, for the purpose of taking fish.

Penalty for taking fish.

SECT. 2. If any person shall take any fish from said wear without the permission of said Nickersons, he shall forfeit and pay to them a sum not exceeding five dollars, if the quantity so taken be less than one hundred pounds, and five dollars for every hundred pounds so taken; to be recovered in any court proper to try the same.

Damages caused by said wear to be paid.

SECT. 3. If any damage shall be done by said Nickersons in the construction of said wear to the property of any person, such person shall be entitled to damage, to be estimated in the same manner as damages occasioned by laying out of highways. [*Approved by the Governor, April 27, 1852.*]

Chap. 150

An Act to authorize the Fairhaven Branch Railroad Company to locate and construct its road over the burial ground in the Village of Fairhaven.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location.

The Fairhaven Branch Railroad Company is hereby authorized and empowered to locate and construct its road over the burial ground in the village of Fairhaven; anything in the one hundred and thirty-first chapter of the Revised Statutes to the contrary notwithstanding. [*Approved by the Governor, April 27, 1852.*]

Chap. 151

An Act for the regulation and protection of the Alewife Fishery in the Towns of Cohasset and Scituate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Selectmen of Scituate and Cohasset a committee to protect the fishery.

SECT. 1. The selectmen of the towns of Scituate and Cohasset, and their successors, shall be a committee for the purpose of protecting, regulating, and improving the alewife fishery in the stream running from Scituate pond into Cohasset harbor, on and near the boundary line between the towns of Scituate and Cohasset; and shall have full powers for these purposes. They shall annually dispose of said fishery for the term of one year, and no longer, after proper notice, at public sale. They may make improvements in and remove obstructions from said stream for the purposes aforesaid. The expense of such improvements and removals shall, with the exceptions of sluiceways in dams, as hereinafter provided, be borne equally by the towns of Scituate and Cohasset; and said towns are hereby em-

Fish, how disposed of.

May make improvements.

How paid for.

powered to raise money for this purpose. The proceeds of said fishery shall be equally divided between the two towns. Proceeds, how divided.

SECT. 2. The acts of a majority of said committee shall be valid, *provided* reasonable notice of all meetings shall be given to every member of the same; *and provided*, that at least one member from each town shall be present. Acts of the majority valid, *provided*, &c.

SECT. 3. All persons, excepting those purchasing the right from said committee as aforesaid, or employed by such purchasers, who shall take any of said fish from said stream, in any part of it, from Doane's mill—so called—upward, shall forfeit the sum of ten dollars for every offence, to the use of said purchasers, who may recover the same by an action at law. Penalty for taking fish illegally.

SECT. 4. The owner or occupier of every dam on said stream shall annually, between the first day of March and the first day of June next following, for such term of time and in such manner as said committee shall direct, open a sufficient passage for said fish through said dam; and on failure to open such passage, or of continuing it open as aforesaid, shall forfeit and pay the sum of one hundred dollars; and said committee may open such passage when neglected as aforesaid, at the expense of the owner or occupier thereof: *provided*, that no more damage is thereby done said owner or occupier than is necessary to effect said purpose. Owners of dams to open a passage for fish, on penalty of \$100.

SECT. 5. Any member of said committee may be a witness in any legal proceeding touching said fishery.

SECT. 6. The said committee shall regulate the times, places, and manner of taking said fish: *provided*, that no fish shall be taken on more than four days of any one week, and the said purchasers shall conform to such regulations on penalty of not less than twenty nor more than one hundred dollars for each offence. Committee shall regulate the fishery. *Proviso*.

SECT. 7. The said committee shall receive out of the proceeds of said fishery, one dollar and twenty-five cents each, for every day's actual service in performing the duties herein required of them. Pay of committee.

SECT. 8. All fines and forfeitures named in this act, and not otherwise appropriated, shall be equally divided between the towns of Scituate and Cohasset, and they may join in a suit for the same. Fines and forfeitures divided between the two towns.

SECT. 9. This act shall take effect from and after its passage. [Approved by the Governor, April 27, 1852.] Takes effect.

Chap. 152 An Act to authorize the Transfer of Ministerial Funds by the West Parish, in Haverhill.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May transfer funds.

SECT. 1. The West Parish, in Haverhill, is hereby authorized to transfer to any religious society which may be formed by any of its members, the whole or any part of the funds and real estate of said parish.

Funds, how invested.

SECT. 2. The said funds and estate, when so transferred, may be invested in such manner as the said religious society shall direct, and shall constitute a permanent fund, whereof the income alone shall be applied to the support of the ministry in said society.

Income, how applied.

Takes effect.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 27, 1852.]

Chap. 153 An Act to change the Name of the Agawam Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Shall be called the Hancock Mutual Fire Insurance Co.

The Agawam Mutual Fire Insurance Company shall hereafter be called and known by the name of the Hancock Mutual Fire Insurance Company. [Approved by the Governor, April 27, 1852.]

Chap. 154 An Act concerning the Admission of Aliens as Attorneys at Law.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

After primary declaration admissible.

Aliens, who have made their primary declaration of intention to become citizens of the United States, may be admitted to practice as attorneys at law in the courts of this Commonwealth, upon the same terms and conditions as citizens are now by law admitted. [Approved by the Governor, April 27, 1852.]

Chap. 155 An Act to incorporate the Grey Lock Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William T. Filley, Seymour Wilcox, Mark Hopkins, John M. Cole, W. H. Tyler, their associates and

successors, are hereby made a corporation by the name of the Grey Lock Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes relating to railroad corporations, and in all statutes that have been or may hereafter be passed relating to railroad corporations.

Duties, liabilities, &c.

SECT. 2. The said company may locate, construct, and maintain a railroad, with one or more tracks, from the depot of the Pittsfield and Stockbridge Railroad, in Pittsfield, crossing the Western Railroad at or near the depot of the said Western Railroad, in said Pittsfield, by the most convenient route northerly through the towns of Pittsfield, Lanesborough, and New Ashford, to the north line of the town of Williamstown, crossing the track of the Troy and Greenfield Railroad in said Williamstown.

Location of road.

SECT. 3. The capital stock of the said company shall consist of five thousand shares of one hundred dollars each, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and the said company may invest and hold such part of its capital stock in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital stock
5000 shares of
\$100 each.

How invested
and held.

SECT. 4. The said railroad company may enter upon and unite their railroad, by proper turnouts and switches, with the Troy and Greenfield Railroad, at some convenient point in the town of Williamstown, and use the same under the provisions and restrictions of the laws relating to railroads.

May enter on
Troy and
Greenfield
road.

SECT. 5. If the location of the said railroad be not filed according to law within two years, or if the said railroad shall not be constructed within five years, with at least one track, then this act shall be void.

Located within
two years, con-
structed with-
in five.

SECT. 6. The Legislature may from time to time reduce the rate of tolls, or other profits, upon the said railroad; but the tolls shall not, without the consent of said company, be so reduced as to produce, with the said profits, less than ten per cent. per annum.

Legislature
may reduce
tolls, &c.

SECT. 7. The Legislature may authorize any company to enter, with another railroad, upon and use the said Grey Lock Railroad, or any part thereof, paying therefor such a rate of toll, or compensation, as the Legislature may from time to time prescribe, or as may be fixed by any general law of this Commonwealth, and complying with such rules and regulations as may be established by the said Grey Lock Railroad Company.

May authorize
another com-
pany to enter
said road.

Certificate to be filed with secretary of State.

SECT. 8. The said corporation shall not commence the construction of their road until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president and a majority of the directors thereof, stating that all the stock named in their charter has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share of the stock thereof has been actually paid into the treasury of the company.

Takes effect.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1852.*]

Chap. 156 An Act to authorize the Inhabitants of Nantucket to subscribe for and hold Stock in the Cape Cod Branch Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The town of Nantucket may subscribe for, hold, sell, and transfer \$50,000 stock of Cape Cod B. Railroad Co., *provided, &c.*

SECT. 1. The inhabitants of the town of Nantucket, in the county of Nantucket, in their corporate capacity, are authorized and empowered to subscribe for, pay for, take and hold stock of the Cape Cod Branch Railroad Company, to an amount not exceeding fifty thousand dollars, and the said stock at their pleasure to sell and transfer: *provided*, that not less than two thirds of the voters of said town, assembled at a meeting called for that purpose, upon notice duly given seven days at least before said meeting, and within sixty days after the passage of this act, shall vote by ballot to subscribe for said stock.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1852.*]

Chap. 157 An Act to incorporate West's Beach Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Peter Pride, West D. Eldredge, William Perry, Issachar T. Eldredge, Elisha Pride, and all others, resident inhabitants of that portion of the West Farms School District, in the town of Beverly, which lies easterly of a line commencing at the mouth of the creek at the salt pond, so called, at low-water-mark, and running from thence north-westerly to the south-west corner of the estate of William Perry, thence northerly to the north-west corner bounds of the East Farms School District, together with all the resident inhabitants of the East Farms School District, in said town, and their successors, are hereby made a corporation

by the name of West's Beach Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Powers, privileges, &c.

SECT. 2. The said corporation are hereby authorized to take and hold all that portion of the sea-shore, beach, and flats at Beverly farms in said town of Beverly, which is included within the following limits, to wit: commencing on the highway, at the west corner of land of the heirs of James Woodberry, and running by an old wall south forty-four degrees east, twenty-one rods and seventeen and one half links to a point near the west corner of land of Henry Lee, Junior; thence south four degrees east, six rods and thirteen links to a large and permanent rock in the ledge; thence south forty-one degrees west, or by low-water-mark, over a large high rock in a ledge called the Cove rocks, forty-five rods to the western edge of said ledge; thence north forty-four degrees west, across flats twenty-two rods to the western ledge of a ledge lying west of said Cove rocks; thence north fifty degrees and thirty minutes west, across flats and beach twenty-one rods to the south-west corner of Jonathan Preston's land; thence by said Preston's land north sixty-six degrees east, eighteen rods; thence by said Preston's land north twenty-two degrees east, four rods and sixteen links; thence by said Preston's land north ten degrees west to the highway on West street; thence by said highway thirty rods to the bounds first mentioned, being a portion of the land, beach, and flats originally granted by the town of Salem to one John West, in the year one thousand six hundred and sixty-six, which portion has been occupied and improved ever since by him and his heirs, and by these proprietors and their predecessors claiming under and through him and them. Authorized to take and hold a portion of beach and flats, &c. Boundaries described.

SECT. 3. The members of said corporation may use and occupy said described portion of sea-shore, beach, and flats, for the purposes of gathering drift-stuff and sea-weed, and of boating and bathing, as said premises have heretofore been used and occupied by them and their predecessors. Purpose.

SECT. 4. Said corporation are hereby required to keep in good repair for public travel, the causeway across the creek and marsh adjoining said beach, to the westerly side of the way leading to the estate of Henry Lee, Junior; and for the protection of the residue of the highway along said beach, shall also, so far as is consistent with convenient access to the beach, build and maintain a good stone wall extending from the westerly end of said causeway to land of Jonathan Preston. Shall keep causeway in good repair, &c.

Liability of
members to
assessment.

SECT. 5. All the legal voters included as members of said corporation shall be liable to an uniform assessment of one dollar and twenty-five cents each, payable in labor, for the erection of said wall; and such further expenditure, if any, as may be necessary to complete said wall, and to keep the same and the causeway aforesaid in good repair, shall be assessed, payable in labor, upon the members of said corporation, by the directors thereof, in proportion to the benefits they may respectively receive from said beach. And if any member shall neglect or refuse to contribute his proportion of labor assessed as aforesaid, or to pay the value thereof in money on demand, he shall be debarred from all privileges granted by this act until he shall have paid to the treasurer of said corporation, in money, the amount of all such unpaid assessments due from him, with interest, and all costs and expenses consequent upon his delinquency.

Penalty for
neglecting to
pay assess-
ments.

Regulations
for removing
sand or gravel.

SECT. 6. No member of this corporation shall remove any sand or gravel from said beach without replacing, within twenty-four hours after such removal, an equal quantity of stone or gravel; and if any member shall neglect to do so, it shall be the duty of the directors of said corporation forthwith to repair such deficiency; and such delinquent member shall be debarred from all privileges granted by this act, until he shall have paid to the treasurer double the amount which may have been expended to replace such sand or gravel so removed.

Penalty for il-
legally remov-
ing sand or
gravel.

SECT. 7. No person, not a member of this corporation, shall at any time obtain or remove any sand or gravel, drift-stuff, or sea-weed from said beach, under a penalty of twenty dollars for each offence.

Right in the
beach not
transferable.

SECT. 8. No member of this corporation shall transfer his corporate right in said beach; but said beach shall be and forever remain for the use of the present and future residents within the limits designated in the first section of this act. Nor shall any member sell any sea-weed from said beach; and no sea-weed or other material shall be gathered upon or removed from said beach on the Lord's day, under a penalty of ten dollars for each offence.

No member
shall sell sea-
weed.

None be gath-
ered on Lord's
day.

Limits of this
grant.

SECT. 9. Nothing contained in this act shall be so construed as to grant any rights or privileges in any land, beach, or flats outside of the limits designated in the second section of this act, or to impair the legal rights of any person.

Clerk keep list
of members,
&c.

SECT. 10. It shall be the duty of the clerk of said corporation to keep an accurate list of the members thereof, and exhibit the same to the selectmen of the town of Beverly whenever required so to do. [*Approved by the Governor, April 28, 1852.*]

An Act concerning the Norfolk County Railroad Company.

Chap. 158

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Norfolk County Railroad Company and the Woonsocket Union Railroad Company, a corporation established by the laws of Rhode Island, or any railroad company which now is or which may be by the present Legislature authorized to unite its railroad track with the track of said Norfolk County Railroad Company, are hereby authorized by a vote of four fifths in number and value of the stockholders of each of said corporations, at meetings called for the purpose, to unite themselves in one corporation: *provided*, that four fifths in number and value of the bondholders, in each of the said corporations, shall in writing, assent to such union; and when such votes shall have been passed by said corporations they shall thereupon become one corporation, and all the franchises, property, powers, and privileges now enjoyed by, and all the restrictions, liabilities, and obligations imposed upon, said two corporations by virtue of their respective charters, shall appertain to said united corporation in the same manner as if the same had been contained in or acquired under an original charter, and the said Norfolk County Railroad Company shall not by any such union with any other company be thereby released from any liability or obligation under which they now are, whether bondholders or any other person or persons. Such corporations so formed by such union shall be called by such name as the stockholders of the said corporations so uniting shall fix upon.

May unite with the Woonsocket or any railroad company on certain conditions.

When four fifths in number and value of bondholders, and such votes, of each corporation shall in writing assent, they shall be one, as if under an original charter.

N. C. R. not released from liabilities.

Name may be given by vote of the corporations.

SECT. 2. If the Norfolk County Railroad Company shall, under the provisions of this bill, unite with the Woonsocket Union Railroad Company or any other corporation created by the laws of any other Commonwealth or State than this Commonwealth, then, and in that case, one or more of the directors or other officers of such corporation formed by such union, shall be an inhabitant or inhabitants of this Commonwealth, on whom process against such corporation may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

If N. C. R. corporation unite with any out-State railroad company.

SECT. 3. The said company shall keep a separate account of the expenditures in Massachusetts and Rhode Island or such other State as any portion of their road may lie in respectively, and a commissioner shall be appointed by the governor of this Commonwealth, to hold his office for the term of five years, and to be compensated by the

Separate accounts of expenditures to be kept.

Commissioner to be appointed for five years.

said company, who shall decide what portion of the expenditures of said company, and of its receipts and profits properly pertain to those parts of the road lying in Massachusetts, and the annual report required to be made by the directors to the Legislature of this Commonwealth shall be approved by the said commissioners.

Annual report to be approved by commissioner.

Company and stockholders in Massachusetts subject to its laws.

SECT. 4. The said company and the stockholders therein, so far as they are situate in Massachusetts, shall be subject to all the duties and liabilities of railroad corporations in Massachusetts, and to the general laws of this Commonwealth in relation to railroad corporations. [*Approved by the Governor, April 30, 1852.*]

Chap. 159

An Act concerning Police Justices.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No compensation beside salary.

No standing justice of any police court who is paid by a fixed salary, shall receive any compensation besides his regular salary as said justice, for making or issuing, in any capacity whatever, complaints, warrants, subpoena, or other criminal process which said justice is by law authorized to issue. [*Approved by the Governor, April 30, 1852.*]

Chap. 160

An Act concerning the Georgetown and Andover Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for construction extended two years.

SECT. 1. The time fixed by the original act incorporating the Georgetown and Andover Railroad, for the location and construction of said railroad, is hereby extended two years from and after the time given for the location and construction of said railroad by the said original act of incorporation.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1852.*]

Chap. 161

An Act to incorporate the "Georgetown Women's Benevolent Society."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Sarah Braman, Harriet Boardman, Lucy H. Dole, their associates and successors, are hereby made a corporation by the name of the "Georgetown Women's

Benevolent Society," for the purpose of aiding and promoting benevolent enterprises, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Purpose.
Powers, &c.

SECT. 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding ten thousand dollars. Capital \$10,000.
[Approved by the Governor, April 30, 1852.]

An Act to incorporate the Marlborough Branch Railroad Company.

Chap. 162

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Mark Fay, Lambert Bigelow, Richard Farwell, Hollis Loring, their associates and successors, are hereby made a corporation by the name of the Marlborough Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all other general laws which have been or shall be passed relating to railroad corporations. Corporators.

Powers, duties, liabilities, &c., as in chs. 44 and 39 R. S.

SECT. 2. Said company is hereby authorized to locate, construct, and maintain a railroad, with one or more tracks, commencing at some point in the Lancaster and Sterling Branch of the Fitchburg Railroad, in the village of Feltonville, so called, in the town of Marlborough, and extending to the most convenient point near the east or west parish in the said town of Marlborough. Location.

SECT. 3. The capital stock of said company shall consist of eight hundred shares; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share, and no stock shall be issued by said company at less than one hundred dollars per share; and no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each share, than the par value of the shares which shall be first issued. Capital stock 800 shares.
Assessment \$100 on each share.
No stock less than \$100 per share.
No shares issued for less than par value.

SECT. 4. The corporation hereby established may enter upon and unite their railroad, by proper turnouts and switches, with the Lancaster and Sterling Branch of the Fitchburg Railroad, in the so called village of Feltonville, and may contract with the Fitchburg Railroad Company to equip and run their said railroad. May unite with L. and S'g Br. of Fitchburg Railroad.

Legislature may authorize other companies to enter and use, &c. &c.

SECT. 5. The Legislature may authorize any company to enter with a railroad upon and use the railroad hereby established, or any part thereof, by complying with such reasonable rules and regulations as the Marlborough Branch Railroad Company may prescribe, or as may be determined according to the provisions of law.

After five years may alter rates, &c., but profits shall not be reduced to less than 10 per ct. per annua.

SECT. 6. The Legislature may, after the expiration of five years from the time said railroad is opened for use, from time to time, alter or reduce the rates of toll and other profits upon said railroad; but said toll or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum upon the investment of said company.

Location to be filed within two years, &c. &c.

SECT. 7. If the location of said railroad shall not be filed within two years, or if the said company shall not complete the railroad as provided in the second section of this act, with at least one track, within three years from the passage of this act, the same shall be void.

Construction not to be commenced till 20 per ct. per sh. shall be paid and a certificate filed.

SECT. 8. The construction of said road shall not be commenced until twenty per cent. on each and every share of the capital stock shall be paid into the treasury of said company, and a certificate of the same, signed and sworn to by the president and a majority of the directors, shall be filed in the office of the secretary of the Commonwealth.

When shareholder shall refuse or neglect to pay forfeit'd shares with former payments.

SECT. 9. When any subscriber or shareholder shall refuse or neglect to pay, as it becomes due, the twenty per cent. of the par value assessed upon his share or shares, as provided by the eighth section of this act, or any part of said assessment, such share or shares, together with any payments already made thereon, may be declared forfeited by the directors, who may thereupon transfer such share or shares to any responsible person or persons who may subscribe for the same. [*Approved by the Governor, April 30, 1852.*]

Chap. 163 An Act in regard to the County Commissioners for Chelsea, North Chelsea, and Winthrop.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

County commissioners, how paid for their services.

SECT. 1. The county commissioners for the county of Middlesex, when exercising powers and duties applicable to the three towns of Chelsea, North Chelsea, and Winthrop, or any or either of them, shall be paid their legal compensation by said towns, or any or either of them, in such proportions as the said commissioners may direct.

SECT. 2. The third section of an act entitled "An Act providing Commissioners for the towns of Chelsea and North Chelsea," passed in the year one thousand eight hundred and fifty, is hereby repealed. *[Approved by the Governor, April 30, 1852.]* Third section of previous act repealed.

An Act concerning the Saugus Branch Railroad Company.

Chap. 164

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time within which the Saugus Branch Railroad Company may complete its road is hereby extended to the first day of May, in the year one thousand eight hundred and fifty-three. Time for construction extended to May 1, 1853.

SECT. 2. The Saugus Branch Railroad Company is hereby authorized and empowered to alter the location of its railroad, authorized by an act entitled an act to authorize the Saugus Branch Railroad to extend the same, passed in the year one thousand eight hundred and fifty-one, so that the said railroad may cross the Salem turnpike at some point near the Lynn hotel to some convenient point on the Eastern Railroad in Lynn. Authorized to alter the location of the road. In what manner.

SECT. 3. Said company is hereby authorized to dispose of its franchise, and all its rights under this act, to the Eastern Railroad Company, on such terms as shall be agreed upon by the said companies respectively: *provided*, three fourths of the stockholders of each company assent thereto. And if said Saugus Branch Railroad Company shall thus transfer its franchise and rights to the Eastern Railroad Company, the said Eastern Railroad Company is hereby authorized to increase its capital stock by the sum of one hundred and sixty thousand dollars. Authorized to dispose of its franchise to Eastern R. R. Co. Proviso. Eastern R. R. authorized to increase its capital \$160,000.

SECT. 4. This act shall take effect from and after its passage. *[Approved by the Governor, April 30, 1852.]* Takes effect.

An Act concerning the Boston Port Society.

Chap. 165

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the passage of this act, the real estate now owned by the Boston Port Society shall be exempt from taxation, so long as the income of the same shall be applied in furtherance and support of the charitable uses and purposes of improving the moral and religious condition of seamen in the city of Boston and its vicinity. *[Approved by the Governor, April 30, 1852.]* Real estate exempted from taxation.

Chap. 166 An Act to set off a part of the Town of Dedham, and to annex the same to the Town of Walpole.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Description of territory set off.

Inhabitants of said territory held to pay taxes heretofore assessed.

Persons having legal settlement shall be supported by town of Walpole, &c.

To continue a part of Dedham for election of representatives.

Duty of selectmen.

Walpole to make a list of voters, &c.

Takes effect.

SECT. 1. So much of the town of Dedham with the inhabitants thereon, as lies south-westerly of the following described line is hereby set off from said town of Dedham, and is annexed to said town of Walpole, to wit: Beginning at a stone monument, on the present line between Dedham and Walpole in land of heirs of Luke Coney, near the mill-dam of John Morse, in the southerly part of Dedham, and running thence south twenty-eight and a half degrees east, one hundred and sixty-four rods, to a point on the line between Dedham and Sharon, where a brook running on said line between Sharon and Dedham empties into Trap-hole brook (so called): *provided, however*, that the inhabitants and land thus set off shall be holden to pay all taxes heretofore assessed on the same in the same manner as if this act had not been passed; *and provided, further*, that if any persons who have gained a legal settlement in Dedham by residence on the said territory, or by having been proprietors of any part thereof, or who may derive such settlement from any such resident or proprietor, shall stand in need of relief or support as paupers, they shall be relieved or supported by said town of Walpole in the same manner as if they had gained a legal settlement in that town.

SECT. 2. The said inhabitants hereby set to Walpole, shall continue to be a part of Dedham, for the purpose of electing representatives to the General Court until the next apportionment of representatives in the Commonwealth, and it shall be the duty of the selectmen of Walpole to make a true list of the persons residing on the said territory hereby set to the said town of Walpole, qualified to vote in such elections, and deliver the same to the selectmen of Dedham seven days at least before any such elections; and the said list shall be taken, revised, and used in the same manner as if prepared by the selectmen of Dedham.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1852.*]

An Act concerning the Danvers and Georgetown Railroad Company. *Chap. 167*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Danvers and Georgetown Railroad Company is hereby authorized to enter upon the Newburyport Railroad at Georgetown, and use the same or any part thereof according to law, and said company is authorized to contract with the Eastern Railroad Company and the Boston and Maine Railroad Company, or either of them, to operate said Danvers and Georgetown Railroad, and also to operate the Danvers Railroad, if the Danvers and Georgetown Railroad Company and the Danvers Railroad Company shall be hereafter united as authorized by the charter of the Danvers Railroad Company, and said Danvers and Georgetown Railroad Company and said Danvers Railroad Company are hereby authorized to lease their respective roads to the Boston and Maine Railroad Company and the Eastern Railroad Company, or either of them, for such term of time as may be agreed upon by the parties.

May enter upon Newburyport R. R. at Georgetown and use same.

Certain other specified R. R. contracts authorized.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1852.*]

Takes effect.

An Act to incorporate the Charlestown Dock Company.

Chap. 168

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John S. Tyler, Charles S. Darrow, George W. White, their associates and successors, are hereby made a corporation by the name of the Charlestown Dock Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Powers, duties, &c.

SECT. 2. Said corporation may purchase and hold real estate in the city of Charlestown, not exceeding in value one hundred and fifty thousand dollars, for the purpose of constructing and maintaining one or more docks suitable for building and repairing vessels.

May hold \$150,000 in real estate.

SECT. 3. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and no shares in said capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

Capital stock not exceeding \$250,000. No shares issued under par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1852.*]

Takes effect.

Chap. 169

An Act concerning the Duties of Assessors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

How any person may be assessed and pay tax, who has been missed.

SECT. 1. That when any person shall hereafter give notice in writing to the assessors of any city or town in this Commonwealth, accompanied by satisfactory evidence that he was at the time of the last annual assessment of taxes in said city or town, an inhabitant thereof, and liable to pay a poll tax, and shall furnish under oath true lists of his polls and estate, both real and personal, not exempted from taxation, it shall be the duty of said assessors to assess such person for his poll and estate, if any estate he have, in the same manner they would have done if a list of his poll and estate had been duly given in to said assessors, and the tax thus assessed against said person shall by said assessors be entered in the tax-list of the collector of such city or town, and it shall be his duty to collect and pay over the same, at the time when and to the persons specified in the warrant of the assessors: *provided*, the application aforesaid shall be made at least seven days prior to the day of any election.

Proviso.

This act not to interfere with section 28, chapter 7 R. S.

SECT. 2. This act shall not be construed so as to interfere in any manner with the provisions of the twenty-eighth section of the seventh chapter of the Revised Statutes. [Approved by the Governor, April 30, 1852.]

Chap. 170

An Act to authorize William F. Porter to construct a Causeway.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

William F. Porter, proprietor of an island in Merrimack River, called Clement's Island, situated opposite to land of said Porter, in the town of Bradford, is hereby authorized to construct and maintain a causeway, suitable for ordinary travel, from his said land to said island: *provided*, this act shall not affect the legal rights of any person. [Approved by the Governor, April 30, 1852.]

Chap. 171

An Act concerning the Boston Wharf Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Where and how its wharf may be extended in South Boston.

SECT. 1. The Boston Wharf Company is hereby authorized to extend and maintain its wharf in that part of Boston commonly called South Boston, as follows, to wit:

on the westerly side thereof by the line established by an act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, one thousand eight hundred and forty, running from the southerly angle of the above-mentioned line to a point in said line fifteen hundred feet northerly from said angle; thence in a line in a southeasterly direction parallel to the line of the westerly part of the street called Broadway, to a point where it would intersect the most easterly line of their present wharf extended; meaning such easterly line as is referred to in an act entitled "An Act in addition to an act to authorize the Boston Wharf Company to extend their Wharf," passed in the year one thousand eight hundred and fifty, and it shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that said company, before so extending its wharf, shall release to the Commonwealth all right and title which they may have acquired under former legislative acts, to land or flats lying outside of said line, extending in a southeasterly direction from the point above named: *provided, also*, that this grant shall not be construed to extend to any land or flats of this Commonwealth lying in front of land or flats other than those belonging to said company, or which would be comprehended by the true lines of such other land or flats extended northerly as far as the point to which said company are hereby authorized to extend its wharf; *and provided, further*, that this grant shall not impair the legal rights of any person.

Right to lay vessels, receive wharfage, dockage, &c.

Shall release to Commonwealth all former titles, &c.

This grant not to extend to certain lands specified.

SECT. 2. This act shall not take effect unless it shall be accepted by said company within sixty days from the date of its passage.

Takes effect.

IN SENATE, April 29, 1852.

This bill having been returned to the senate by his excellency the governor, together with his objections thereto, the said objections were entered at large on the journal, and the senate proceeded to reconsider the said bill; and the question being stated on agreeing to pass the bill notwithstanding the said objections, the yeas and nays were taken thereon, and two thirds of the members present answering in the affirmative, the senate agreed to pass the same notwithstanding the said objections.

Bill returned by governor is passed by two thirds of senate.

HENRY WILSON, *President*.

HOUSE OF REPRESENTATIVES, May 1, 1852.

Passed by two
thirds of the
house.

The question being stated,—shall this bill be approved, the governor's objections to the contrary notwithstanding,—and being taken as required by the constitution, by yeas and nays, and two thirds of the members present and voting thereon having voted in the affirmative, the house approved the same notwithstanding the said objections.

N. P. BANKS, JR., *Speaker*.

Chap. 172

An Act to change the name of the Town of Sherburne.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Changed to
Sherborn.

SECT. 1. The corporate name of the town of Sherburne, in the county of Middlesex, shall be changed, and the said town shall be known and called by the name of Sherborn, anything in the act incorporating the same to the contrary notwithstanding.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1852.*]

Chap. 173

An Act to incorporate the Boston Young Men's Christian Union.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. George W. Warren, Frederic W. Lincoln, Junior, Thomas A. Goddard, their associates and successors, are hereby made a corporation by the name of the "Boston Young Men's Christian Union," in the city of Boston, for the purpose of moral and Christian improvement, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Purposes, &c.

Capital \$40,-
000.

SECT. 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding forty thousand dollars. [*Approved by the Governor, May 3, 1852.*]

An Act to authorize George W. White and others to extend their Wharf. *Chap. 174*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

George W. White, Charles S. Darrow, and John S. Tyler, owners of a wharf situate on Water street, near the junction of said street with Wapping street, in the city of Charlestown, and lying between and adjoining land and flats belonging to said city, or to the navy yard of the United States of America, on the north-east, and land and flats known as Caswell's wharf, and now or late of William Caswell, on the south-west, are hereby authorized to extend and maintain their said wharf into the harbor channel as far as the line established by the thirty-fifth chapter of the act of the year one thousand eight hundred and forty, entitled "An Act concerning the Harbor of Boston," and they shall have the right to lay vessels at the end and sides of their said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any lands or flats of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the "commissioners' line," so called: *and provided, also*, that so much of their said wharf as shall extend below low-water-mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that the provisions of this act shall in nowise impair the legal rights of any person. [*Approved by the Governor, May 3, 1852.*]

In Charles-town.
Location, extent, &c.
Right of wharfage, &c.
Proviso.
Proviso.

An Act concerning Parishes and Religious Societies.

Chap. 175

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All parishes and religious societies may hold their annual meetings for the choice of officers at such time during the year as they may by their by-laws determine, any law to the contrary notwithstanding.

Annual meetings for choice of officers, when held.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1852.*]

Takes effect.

Chap. 176 An Act to incorporate the Barre and North Brookfield Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Powers, privileges, duties, &c.

SECT. 1. Amasa Walker, Tyler Batcheller, Samuel Mixer, Jason Gorham, and Edward Denny, their associates and successors, are hereby made a corporation by the name of the Barre and North Brookfield Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in all other general laws relating to railroad corporations in this Commonwealth.

Location of road.

SECT. 2. The said corporation may construct and maintain a railroad with one or more tracks, commencing at some convenient point on the Western Railroad in the town of Brookfield, thence running by the most convenient route through the town of North Brookfield, New Brain-tree, or Oakham, or both, to near the centre of Barre.

Capital stock not exceeding 2500 shares.

Shares not to be assessed over \$100 each.

May hold real and personal estate.

No shares issued under par.

SECT. 3. The capital stock of the said company shall consist of not more than two thousand five hundred shares, the number of which shall from time to time be determined by the directors of the said company, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share, and the said company may invest and hold such part thereof in real and personal estate as may be necessary and convenient for the purposes of this corporation. No share in the capital stock of said corporation shall at any time be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Company must be organized within two years, and road completed within four.

SECT. 4. If the said company shall not be organized, and if the location of the route of the said road shall not be made and filed with the county commissioners of the county of Worcester within two years from the passage of this act, or if the said company shall not complete the said road within four years from the passage of this act, then this act shall be void.

Construction shall not be commenced, until 2000 shs. are subscribed and 20 per ct. paid in.

Certificate to be filed, &c.

SECT. 5. The construction of said road shall not be commenced until two thousand shares of the capital stock shall have been subscribed by responsible parties, and twenty per cent. of each and every such share paid into the treasury of the said company, and a certificate of the same, signed and sworn to by the president and a majority of the directors, shall be filed in the office of the secretary of State.

Authority given to lease, take lease or

SECT. 6. The said company is hereby authorized to lease its road to any adjoining railroad corporation, or it

may take a lease of any adjoining railroad, may unite and make joint-stock with such corporation or corporations, and any railroad corporation connecting with the road of this corporation, or in a continuous line indirectly connecting with it, may guaranty payment of dividends on the whole or any part of the stock of this corporation, upon such terms and conditions as the directors of the contracting companies may agree upon, subject to the approval of three fourths in interest of the stockholders of this corporation, which may be present at a legal meeting called for that purpose.

make joint-stock with other railroad corporations.

Connecting railroad corporations may guarantee dividends, &c.

SECT. 7. Said company is hereby authorized to enter upon and unite their railroad with the Western Railroad.

May enter W. railroad, &c.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1852.*]

Takes effect.

An Act for the better organization of the Fire Department in the City of New Bedford. *Chap. 177*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city council of the city of New Bedford may establish a fire department for said city, to consist of so many engineers and other officers, and so many enginemen and other members, as the city council, by ordinance, shall from time to time prescribe ; and said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal of either such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general, to make such regulations in regard to their conduct and government, and to the management and conduct of fires, and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient: *provided*, that the appointment of enginemen, hosemen, and hook-and-ladder men shall be made by the mayor and aldermen.

City council may prescribe number of officers and enginemen.

Time and mode of their appointment; removal, qualifications, &c. &c.

Appointments to be made by mayor and aldermen.

SECT. 2. The powers and duties mentioned in the preceding section, or any of them, may be exercised and carried into effect by the said city council in any manner which they may prescribe, and through the agency of any persons, or any board or boards to whom they may delegate the same.

SECT. 3. The engineers or other officers of the department so appointed as aforesaid, shall have the same authority in regard to the prevention and extinguishment of

Powers of engineers and other officers.

May make examinations for combustibles under suitable ordinances.

fires, and the performance of the other offices and duties now incumbent upon the fire wards, as are now conferred upon fire wards by the Revised Statutes, or the special acts relating to the city of New Bedford, now in force. They shall also have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the removal of such materials, or the adoption of suitable safeguards against fire. And said city council are hereby authorized to make suitable ordinances upon this latter subject matter, and annex suitable penalties for the violation thereof.

Members exempted from military duties, &c.

SECT. 4. All officers and members of said fire department shall be exempted from military duty, or from serving as jurors or constables, during the time of their employment in said department.

City council may appropriate money as indemnity for injuries, &c.

SECT. 5. The city council aforesaid are hereby authorized whenever, and as often as they shall deem it expedient, to appropriate any sum, or sums of money, in the way that may be judged by said council most advisable for the relief or indemnity of any officer or member of the fire department, who may sustain corporal injury, or contract sickness, in the discharge of his duty as an officer or member of said department.

Takes effect.

SECT. 6. This act shall take effect from and after its acceptance by the city council of said city. [*Approved by the Governor, May 5, 1852.*]

Chap. 178 An Act to extend the Agricultural Branch Railroad, and concerning the same.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Where it may be extended.

SECT. 1. The Agricultural Branch Railroad Company is hereby authorized to extend its railroad from a point at its present terminus in Northborough, and through the south-westerly part of Berlin, and the northerly part of Boylston, and through or near the southerly part of Lancaster, and through the town of Clinton to some convenient point on the Fitchburg and Worcester Railroad, in the town of Sterling.

May unite with Fitchburg and Worcester Railroad.

SECT. 2. The said company may also enter their said railroad upon and unite the same with the Fitchburg and Worcester Railroad, by proper turnouts and switches, in Sterling, and may use said Fitchburg and Worcester Railroad, under the provisions and restrictions of the laws relating to railroads.

SECT. 3. The said Agricultural Branch Railroad may cross the tracks of the Worcester and Nashua Railroad in Sterling or Clinton, at the same grade with said Worcester and Nashua Railroad, or over the same, as said company may elect; and if they shall elect to cross said railroad at grade, they shall at their own expense erect and provide for the proper working of a suitable signal. And if said company shall elect to cross over the Worcester and Nashua Railroad, they shall do so by a suitable bridge, so constructed as to give to said Worcester and Nashua Railroad a clear space of at least seventeen feet in height above the tops of the rails of said railroad, and at least eight feet in width each side of the centre line of the track of said railroad.

How it may cross Worcester and Nashua Railroad.

SECT. 4. The said company in the extension of said railroad through the limits aforementioned, shall be entitled to all the privileges and benefits, and be subject to all the duties and liabilities, set forth in the several acts relating to railroad corporations.

Privileges, benefits, liabilities.

SECT. 5. The said company is hereby authorized, for the purpose of constructing the above extension, to increase its capital stock by the sum of three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and no share shall be issued under this act for less than one hundred dollars, to be actually paid on each share.

May increase capital stock \$300,000.

No share under par value.

SECT. 6. The said company is hereby authorized to divide their road into three sections, to wit. The first section to embrace that part of the road from Framingham to Northborough; the second section to extend from Northborough to Clinton; the third section to extend from Clinton to the terminus of said road at the Fitchburg and Worcester Railroad in Sterling. The capital required to build the first section shall be one hundred and fifty thousand dollars; and two hundred thousand dollars shall be the capital of the second section; and one hundred thousand dollars shall be the capital of the third section; and the said company may proceed to build either of said sections when the capital required therefor shall have been subscribed. Before either of said sections shall be commenced, a certificate shall be filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of said company and a majority of the directors, stating that all the stock named for the section proposed to be built, has been subscribed by responsible parties, and that twenty per cent. of the par value of each and every share of such portion of the stock has been actually paid into the treasury of the company.

May divide into three sections.

Capital for first section \$150,000.

Second section \$200,000.

Third section \$100,000.

Certificate.

Twenty per cent. per share to be paid.

SECT. 7. If the said company shall not file the location of the said extension within one year, or shall not complete

Location to be filed in one year, extension.

sion completed in two years, or void. the said extension within three years from the passage of this act, then so much thereof as relates to said extension shall be null and void.

Inconsistent acts repealed. SECT. 8. All acts and parts of acts inconsistent with this, are hereby repealed. [*Approved by the Governor, May 5, 1852.*]

Chap. 179

An Act to incorporate the Chelsea Gas-Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. N. W. Turner, Isaac Stebbens, and Erastus Rugg, their associates and successors, are hereby made a corporation by the name of the Chelsea Gas-Light Company, for the purpose of manufacturing and selling gas in

Powers, &c. the town of Chelsea, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

With consent of selectmen may open ground in streets, &c. SECT. 2. Said corporation, with the consent of the selectmen of the town of Chelsea, shall have power and authority to open the ground in any part of the streets, lanes, and highways in the said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground in such streets, lanes, or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen for the time being shall, at all times, have the power to regulate, restrict, and control the acts and doings of the said corporation which may in any manner affect the health, safety, and convenience of the inhabitants of said town.

Shall put the same in repair. *Proviso.*

No stock issued less than par. SECT. 3. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares which shall be first issued.

Takes effect. SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1852.*]

An Act to repeal a part of the Tenth Section of the Thirty-eighth Chapter of the Revised Statutes. *Chap. 180*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the tenth section of the thirty-eighth chapter of the Revised Statutes as requires that the shares of manufacturing corporations shall be numbered in "progressive order, beginning at number one," is hereby repealed.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, May 5, 1852.*]

An Act for the better establishment of the Police Court of the City of Newburyport. *Chap. 181*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Police Court of the city of Newburyport shall, from and after the time this act takes effect, have exclusive jurisdiction of all crimes and offences committed within the limits of said city, whereof justices of the peace may now, or hereafter, legally take cognizance. Exclusive jurisdiction.

SECT. 2. The standing justice of said court shall, hereafter, receive from the city of Newburyport an annual salary, the amount of which shall, from time to time, be determined by the city council, but said salary shall not be less than four hundred nor more than eight hundred dollars, and shall be paid in quarterly payments; which salary shall be in full for his services both as clerk and justice, and for the occasional services of the special justices hereof, who shall be paid by said standing justice, out of his salary, the same fees that justices of the peace receive in like cases. Annual salary of the standing justice to be determined by city council, not less than \$400, nor more than \$800.

SECT. 3. The standing justice shall perform the duties of clerk, and, as such, shall exhibit once a year to the board of accounts hereinafter established, a true and particular account of the costs, fines, forfeitures, and of all other moneys received by him for blanks, copies, or otherwise, which account, if approved by said board, shall be delivered by the justice to the treasurer of Newburyport, to be by him safely filed and kept. The said justice shall give a bond, with a surety or sureties, to the acceptance of the city council, for the faithful performance of the duties of his office as clerk. Standing justice to be clerk, and exhibit annual account of amount received. Shall give bond.

Board of accounts, how constituted,—power and duty.

SECT. 4. The mayor of the city of Newburyport and the county treasurer of the county of Essex shall constitute a board of accounts, with the power and the duty to examine and allow, or disallow, all bills of costs, accounts, and charges which may appertain to the course of proceedings in said Police Court; and a certificate of such examination and allowance shall be indorsed by the said board on the accounts exhibited, and shall be addressed to the public officer by or to whom such charges, fees, and expenses may be payable by law. The members of said board of accounts shall be entitled to receive from the treasury of the city of Newburyport, the sum of three dollars for each and every day which shall be devoted to the duties hereby assigned to them.

\$3 per day each.

All fees and costs received by standing justice to be paid quarterly to treasurer of Newburyport.

SECT. 5. All the fees received by said standing justice in the course of his judicial proceedings, both civil and criminal, with all the costs in criminal prosecutions which have been taxed, certified, and allowed, and the fines and forfeitures which enure to the benefit of the city of Newburyport, shall be collected by said justice in the mode prescribed by law for justices of the peace in like cases, and shall be by him, once a quarter, accounted for in detail, and paid over to the treasurer of the city of Newburyport, whose duty it shall be to pay, from the costs so received, the officers, witnesses, and other persons whose fees have been taxed, certified, and allowed by said justice.

Standing justice to make annual report in January.

SECT. 6. The said standing justice shall, annually, in the month of January, make a report to the city council of Newburyport, which report shall set forth every criminal complaint made in the Police Court, the name of the person accused, the description of the offence alleged, and the decision of the court in each case, with the full costs incident thereto.

Jurisdiction of Police Court.

SECT. 7. The jurisdiction of the Police Court of the city of Newburyport shall not be limited by reason of any interest on the part of the justices of said court in the payment of fines and costs into the treasury of the city of Newburyport, or of the county of Essex.

Costs taxed, &c., by special justices paid to standing justice.

SECT. 8. The costs taxed, allowed, and certified by the special justice shall be paid to the standing justice.

Takes effect.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1852.*]

An Act confirming the election of Municipal Officers of Ward Eight in the City of Lynn. *Chap. 182*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The election of municipal officers at a meeting of the inhabitants of ward eight, in the city of Lynn, held on the eighth day of March, in the year one thousand eight hundred and fifty-two, shall be valid in law; and all the officers elected at that meeting shall have and exercise, during the time for which they were respectively chosen, all the powers and shall perform all the duties prescribed by law to the offices unto which they were respectively chosen. [*Approved by the Governor, May 5, 1852.*]

Election of
8th March,
1852, confirm-
ed.

An Act to authorize the Methodist Episcopal Church and Society in Monson to sell certain Real Estate. *Chap. 183*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Methodist Episcopal Church and Society in Monson is hereby authorized to sell at public or private sale, at such time or times as it may judge best, a certain tract or parcel of land, lying in said Monson, and containing about thirty acres, more or less, it being the same leased to said society in perpetuity by Abel Jennings, late of said Monson, on the sixteenth day of March, in the year one thousand eight hundred and thirty-six; and the treasurer of said society for the time being is authorized to execute and deliver a deed or deeds to convey the same in fee simple or otherwise.

Authorized to
sell land leased
in perpetuity,
and treasurer
may execute and
deliver deed, &c.

SECT. 2. The proceeds of the sale of said property shall be invested in such manner as the trustees of said society shall direct: *provided*, that the income, rents, and profits only, arising from said proceeds and investment or investments shall accrue to, and be applied to the use, support, interest, and benefit of said church and society forever.

Proceeds of
sale, how in-
vested.
Income, how
applied.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1852.*]

Takes effect.

Chap. 184 An Act to confirm certain Acts done by John A. Judd, as Justice of the Peace.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Official acts
between Dec.,
'49, and Feb.,
'51, made valid.

All acts done by John A. Judd, of Westhampton, in the county of Hampshire, as a Justice of the Peace within and for the county of Hampshire, between the sixteenth day of December, in the year one thousand eight hundred and forty-nine, and the sixteenth day of February, in the year one thousand eight hundred and fifty-one, shall be and they hereby are made valid and confirmed to the same extent as they would have been valid, had he been during that interval, duly qualified to discharge the duties of the said office. [Approved by the Governor, May 5, 1852.]

Chap. 185 An Act relating to Notices of Proceedings before Judges of Probate and Commissioners of Insolvency.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of 1851 re-
pealed.

SECT. 1. The act entitled "An Act relating to Notices of Proceedings before Judges of Probate and Commissioners of Insolvency," passed in the year one thousand eight hundred and fifty-one, is hereby repealed.

No title to real
estate depend-
ing on any or-
ders of judge of
probate since
shall be affect-
ed, &c.

SECT. 2. No title to real estate, depending upon any orders made by judges of probate or commissioners of insolvency since the passage of said act, shall be affected by reason of any failure or omission to comply with the requirements thereof. [Approved by the Governor, May 5, 1852.]

Chap. 186 An Act in regard to Obstructing Engines or Carriages on Railroads.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

For obstruc-
tion ten days
solitary con-
finement and
hard labor for
twenty years
in State prison.

SECT. 1. Every person who shall wilfully do, or cause to be done, anything in such manner as to obstruct any engine or carriage passing upon any railroad, or to endanger the safety of persons conveyed in or upon the same, or shall aid or assist therein, shall be punished by solitary imprisonment in the State prison not exceeding ten days, and by confinement afterwards in said prison, at hard labor, not exceeding twenty years.

SECT. 2. Every person who shall wilfully do, or cause to be done, anything with intent to obstruct any engine or carriage passing upon any railroad, or with intent to endanger the safety of persons conveyed in or upon the same, or who shall aid or assist therein, shall be punished by imprisonment in the State prison not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year.

Act with intent to obstruct, imprisonment five years in State prison or fine of \$500.

SECT. 3. All laws inconsistent with this act are hereby repealed, except that liabilities incurred and proceedings pending shall not be affected, and this act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1852.*]

Inconsistent acts repealed.

An Act concerning the Support of Defendants committed to Prison under the provisions of the forty-ninth chapter of the Revised Statutes. *Chap. 187*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act entitled "An Act concerning prosecutions for the maintenance of Bastard Children," passed in the year one thousand eight hundred and fifty-one, shall not be so construed as to require the complainant in any case to pay or give security for the support of the defendant, when he is committed to prison by virtue of the provisions of the forty-ninth chapter of the Revised Statutes; nor shall such defendant be discharged from imprisonment by reason of payment or security not being made or given for his support.

Complainant shall not be held to pay or give security for supporting defendant in prison, nor defendant be discharged for want of such pay or security.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1852.*]

Takes effect.

An Act relating to the calling a Convention of Delegates of the People, for the purpose of Revising the Constitution. *Chap. 188*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of the several cities, towns, districts, and places within this Commonwealth, qualified to vote for senators or representatives in the General Court, shall, on the second Monday of November next, at the meetings to be then held in the several cities and towns in the Commonwealth, for the choice of governor, lieutenant-governor, senators, and representatives in the General Court, an article for this purpose being inserted in the warrants calling said meetings, give in their votes by ballot on this

Meet on 2d Monday of November next.

question: "Is it expedient that delegates should be chosen, to meet in convention, for the purpose of revising or altering the constitution of government of this Commonwealth?" And the vote upon said question shall be in open meeting, and the votes in the several cities and towns in the Commonwealth shall be received, sorted, counted, declared, and transmitted to the secretary of the Commonwealth, in the same manner as the votes for governor, lieutenant-governor, and senators are now received, sorted, counted, declared, and transmitted, by the constitution and laws of the Commonwealth; and all returns not thus made shall be rejected in the counting. And the governor and council shall open and examine the returns, made as aforesaid, and count the votes given on the said question; and the governor shall, by public proclamation, to be made on or before the first Wednesday in January next, make known the result, by declaring the number appearing in favor of choosing delegates for the purpose aforesaid, and the number of votes appearing against the same; and if it shall appear that a majority of the votes, given in and returned as aforesaid, are in favor of choosing delegates as aforesaid, the same shall be deemed and taken to be the will of the people of the Commonwealth, that a convention should meet accordingly; and in case of such majority, the governor shall call upon the people to elect delegates to meet in convention, in the manner hereinafter provided.

SECT. 2. If it shall be declared by the said proclamation that the majority of votes, as aforesaid, is in favor of choosing delegates, as above-mentioned, the inhabitants of the several cities and towns within the Commonwealth, now entitled any one year to send one or more representatives to the General Court, shall, on the first Monday of March, in the year one thousand eight hundred and fifty-three, assemble in their several meetings, to be duly notified by warrant from the selectmen of the several towns, and the mayor and aldermen of the several cities, and shall elect one or more delegates, not exceeding the number of representatives to which each town or city was entitled last year, it being the year in which the valuation of estates in the Commonwealth was settled, to meet delegates from other towns and cities in convention, for the purposes hereinafter expressed. And at such meetings of the inhabitants, every person entitled to vote for representatives in the General Court, shall have a right to vote in the choice of delegates, and the same officers, in the several cities and towns in the Commonwealth, shall preside at such elections, as now preside in the choice of representatives to the General Court; and the votes for said delegates shall be received,

Governor
make known
by proclama-
tion result of
election.

Persons en-
titled to vote
for representa-
tives may vote
for delegates,
&c.

sorted, counted, declared, recorded, and copies thereof delivered to the delegates chosen, in the same manner as is now provided for in the case of representatives to the General Court. And all laws now in force, regulating the duty and conduct of town and city officers, sheriffs, magistrates, and electors, in the election of governor, lieutenant-governor, senators, and representatives, shall, as far as applicable, apply, and be in full force and operation, as to all meetings holden, and elections and returns made, under this act, or which by this act are required to be holden or made, and upon the like forfeitures and penalties.

Laws regulating duty of officers in election of Governor, &c.

SECT. 3. The persons so elected delegates shall meet in convention in the State house, in Boston, on the first Wednesday in May, in the year one thousand eight hundred and fifty-three; and they shall be the judges of the returns and elections of their own members, and may adjourn from time to time; and one hundred of the persons elected shall constitute a quorum for the transaction of business; and they shall proceed as soon as may be to organize themselves in convention, by choosing a president and such other officers as they may deem expedient, and by establishing proper rules of proceeding; and when organized, they may take into consideration the propriety and expediency of revising the present constitution of government of this Commonwealth, or the propriety and expediency of making any, and if any, what alterations or amendments, in the present constitution of government of this Commonwealth. And such alterations or amendments, when made and adopted by the said convention, shall be submitted to the people for their ratification and adoption, in such manner as the said convention shall direct; and if ratified by the people in the manner directed by the said convention, the constitution shall be deemed and taken to be altered or amended accordingly; and if not so ratified, the present constitution shall be and remain the constitution of government of this Commonwealth.

Delegates meet in State house first Wednesday in May.

Alterations to be submitted to people.

SECT. 4. The said convention shall establish the pay or compensation of its officers and members, and the expense of its session; and his excellency the governor, by and with the advice and consent of the council, is authorized to draw his warrant on the treasury therefor.

Expense of session.

SECT. 5. The secretary of the Commonwealth is hereby directed forthwith after the passage thereof, to transmit printed copies of this act to the selectmen of each town, and the mayor and aldermen of each city, within the Commonwealth; and whenever the governor shall issue his proclamation, calling upon the people to elect delegates to meet in convention as aforesaid, the said secretary shall

Secretary of State to transmit copies, &c.

also immediately thereafter transmit printed copies of said proclamation, attested by himself, to the selectmen of each town, and the mayor and aldermen of each city in the Commonwealth. [*Approved by the Governor, May 7, 1852.*]

Chap. 189 An Act in addition to the several Acts for the relief of Insolvent Debtors, and the more equal Distribution of their Effects.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any creditor prevented from proving his claim may do it by agent or attorney. **SECT. 1.** In case any creditor of an insolvent debtor shall be disabled by absence from the Commonwealth, sickness, or in any other manner from proving his claim, such claim may be proved by any agent or attorney of such creditor, acting in his behalf, in such manner as shall be satisfactory to the commissioner.

Oath of such agent or att'y. **SECT. 2.** Instead of the oath required by the provisions of an act entitled "An Act in addition to the several Acts for the relief of Insolvent Debtors and the more equal Distribution of their Effects," passed in the year one thousand eight hundred and forty-eight, such agent or attorney shall make oath that, to the best of his knowledge and belief, the allegations in said section required to be sworn to are true. And the commissioner may require such further proof, and hear such further evidence in relation to the truth of said allegations as he shall deem expedient.

Where any bill, note, or other proof of debt has been returned to probate office, register may deliver same to person who proved such debt. **SECT. 3.** Where any bill of exchange, promissory note, or other instrument which has been used as proof of a debt against the estate of an insolvent debtor, has been or shall be returned into the probate office in any county, the register of probate may deliver such bill, note, or other instrument, to the person who proved such debt, on such person's filing in the probate office a copy of such bill, note, or instrument attested by the said register; and it shall be the duty of said register before giving up any such paper to make a memorandum upon it, stating the name of the party against whose estate it has been proved, and the amount of any dividend which may have been declared on the same, and the time when it was declared: *provided*, further, that nothing herein contained shall make it necessary for any creditor proving a claim against the estate of any insolvent, to leave the proofs of his claim with the commissioner. [*Approved by the Governor, May 7, 1852.*]

No proof of claim need be left with commissioner.

An Act in addition to an Act to incorporate the Union Mutual Marine Insurance Company. *Chap. 190*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act to incorporate the Union Mutual Marine Insurance Company, approved on the twenty-fourth day of April of the present year, shall take effect from and after the passage of this act. [*Approved by the Governor, May 7, 1852.*]

An Act to regulate the use of Steam-Engines.

Chap. 191

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The mayor and aldermen of any city, and the selectmen of any town, or any person by them authorized, may, after notice to the parties interested, examine any steam-engine in such city or town, and for that purpose may enter any house, shop, or building: and if, after such examination, it shall appear probable that the use of such engine is unsafe, they may issue a temporary order to suspend the use thereof; and then, after giving the parties interested, so far as they may be known, an opportunity to be heard if they shall adjudge such steam-engine unsafe or defective, or unfit to be used, they may pass a permanent order prohibiting the use thereof until it shall be rendered safe; and if such steam-engine shall be used after the passage of such temporary order until the final adjudication thereon, or after such final adjudication and order, until it shall be rendered safe, contrary to either of such orders, and after notice thereof to the owner or person having charge thereof, such engine shall be deemed and taken to be a common nuisance without any other proof thereof than its use.

Mayor and aldermen of any city, or selectmen of any town may, after notice to the parties, enter any building to examine a steam-engine.

May order a temporary suspension.

If judged unsafe order of prohibition may be issued.

If further used to be deemed common nuisance.

SECT. 2. Said mayor and aldermen, and selectmen, shall have the same power and authority to abate and remove any such steam-engine, erected or used contrary to the foregoing provisions, as are given to the board of health in the tenth and eleventh sections of the twenty-first chapter of the Revised Statutes. [*Approved by the Governor, May 7, 1852.*]

Mayor and aldermen, and selectmen, shall have power to abate

Chap. 192 An Act to incorporate the Horn Pond Branch Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Jacob Pierce, Bowen Buckman, Adolphus Davis, their associates and successors, are hereby made a corporation by the name of the "Horn Pond Branch Railroad Company," with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all general laws which are now or may be hereafter in force respecting railroads in this Commonwealth.

Duties, liabilities, &c.

Location of road. **SECT. 2.** The said corporation is hereby authorized and empowered to locate, construct, and maintain a railroad with one or more tracks, commencing at a point on the easterly side of Horn pond in the town of Woburn, in the county of Middlesex, thence running in an easterly and southerly direction through land of Richardson and others to and intersecting the Woburn Branch Railroad at a point about midway between the Woburn station and the Winchester station. Or commencing at said point near Horn pond and running in a southerly direction on or near the banks of the Middlesex canal to and intersecting the Lowell Railroad at a point near the town line of Winchester and Medford, in the town of Winchester, and to use the same or any part thereof according to the provision of law.

Authorized to alter route. **SECT. 3.** The said corporation is hereby authorized and empowered to alter the route of said railroad from said point of beginning around Horn pond or any part thereof, and to any point on the Woburn Branch Railroad or Lowell Railroad: *provided*, the consent of the owners of land, through which said route shall pass, be obtained.

Provided, &c.

Stock not over 400 shares, not to be assessed over \$100. **SECT. 4.** The capital stock of said corporation shall consist of not more than four hundred shares, the number of which shall be determined from time to time by the directors of said corporation, and no assessment shall be levied thereon of a greater amount in the whole than one hundred dollars on each share; and the said corporation may take, purchase, and hold such real estate, and may purchase and hold such engines, cars, and other things as may be necessary for the purposes of their incorporation.

Power to hold real and other estate. All shares in the capital stock of said corporation shall be issued under par.

No shares issued under par. on each.

SECT. 5. Said corporation is authorized and empowered to sell and transfer the franchise and property of said corporation to the Lowell Railroad, or Woburn Branch Railroad Corporation. Authorized to sell to Lowell or Woburn Railroad Company.

SECT. 6. Said corporation is hereby authorized to enter upon and unite their railroad by proper means with the Woburn Branch Railroad or Lowell Railroad as aforesaid, and also to use said Woburn Branch Railroad and Lowell Railroad, paying therefor such rate of toll as may be mutually agreed upon by the parties, or as the General Court may from time to time prescribe. May unite with Woburn Branch or Lowell Railroad. Terms.

SECT. 7. The General Court may authorize any company to enter with another railroad upon and use said Horn Pond Branch Railroad or any part thereof, by complying with such reasonable rules and regulations as the said Horn Pond Branch Railroad Company may prescribe, or as may be determined by the provisions of law. General Court may authorize other roads to enter.

SECT. 8. If the location of said railroad as provided for in the second section be not filed according to law within two years, and if said railroad be not constructed within four years from the passage of this act, this act shall be void. Location to be filed within two years, constructed within four.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1852.*] Takes effect.

An Act to incorporate the Boston Baptist Bethel Society.

Chap. 193

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Simeon H. Lewis, William Hunter, John L. Andrews, and George W. Chipman, their associates and successors, are hereby made a corporation by the name of the Boston Baptist Bethel Society, with all the powers and privileges, and subject to all the duties and liabilities incident to religious societies in this Commonwealth. Corporators.

SECT. 2. Said corporation may hold real and personal estate, or either, to an amount not exceeding fifty thousand dollars: *provided*, the income thereof shall be applied to parochial purposes, except so much of said income as may be needed to pay the principal and interest of any sums of money which may be hired on mortgage of the real estate of said society, or otherwise. Capital, \$50,000. Income, how applied.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1852.*] Takes effect.

Chap. 194 An Act authorizing Jedediah Wood to construct a Railway Track across a Highway in the Town of Marlborough.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of track.

SECT. 1. Jedediah Wood, his successors and assigns, are hereby authorized to lay a track across the county road, leading from Berlin to Boston, near the present terminus of the Fitchburg Railroad Company's Branch Railroad in the village of Feltonville, so called, in the town of Marlborough, so that the said track may connect with the track of the said branch railroad. Said track across said county road is to be under the management and control of the said Fitchburg Railroad Company.

To be laid under direction of selectmen of Marlborough, and Fitchburg Railroad Company.

May be discontinued.

Shall be kept in repair by said Wood.

Fitchburg Railroad Company not liable, &c.

SECT. 2. The track above named shall be laid under the direction, and to the satisfaction of the selectmen of the town of Marlborough and the Fitchburg Railroad Company, and shall be discontinued whenever the Fitchburg Railroad Company shall so order. Said Wood, his successors and assigns, are to keep said crossing in good repair within the limits of said county road; and the Fitchburg Railroad Company are not to be liable for any accidents that may happen on said crossing. No steam-engine is to be allowed to pass over said crossing. [*Approved by the Governor, May 7, 1852.*]

Chap. 195

An Act to authorize the Manufacture of Silk and other goods.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act relating to Joint-Stock Companies extended to the manufacture of silk, linen, flax, or India-rubber goods.

Proviso.

Any corporation that has been or may hereafter be organized either under a special act of incorporation or under the act entitled "An Act relating to Joint-Stock Companies," being chapter one hundred and thirty-three of the laws of eighteen hundred and fifty-one, for the manufacture of cotton or woollen goods, is hereby authorized to carry on the manufacture of silk, linen, flax, or india-rubber goods: *provided*, four fifths of the stockholders of such corporation shall by vote at a special meeting called for that purpose consent to the same. [*Approved by the Governor, May 7, 1852.*]

An Act to establish an additional District for the administration of the Criminal Law. Chap. 196

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. For the administration of the criminal law in this Commonwealth, the county of Worcester shall constitute a separate district, which shall be called the middle district. Worcester county to be one district, called middle district.

SECT. 2. The county of Plymouth shall be added to the district heretofore called the middle district ; and the name of said district shall be changed to the southeastern district. Plymouth county to be added to former middle district, to be called "southeast district."

SECT. 3. The governor, with the advice and consent of the council, shall appoint some suitable person, who shall reside in said county of Worcester, to be district-attorney for the district created by the first section of this act, who shall perform the like duties therein as are now required by law to be performed by the other district-attorneys in their respective districts ; and whose term of office shall be the same as that of other district-attorneys. Governor and council shall appoint a district-attorney.

SECT. 4. The district-attorney so appointed, shall receive an annual salary of eight hundred dollars, to be paid to him out of the treasury of the Commonwealth in equal quarterly payments, in full for all services rendered by him. And the district-attorney for the district, the name of which is hereby changed to the southeastern district, shall hereafter receive a salary of eight hundred dollars, instead of that now provided by law. Salary \$800.

SECT. 5. This act shall take effect from and after the tenth day of May next. [*Approved by the Governor, May 7, 1852.*] Takes effect.

An Act further to protect Trade-Marks.

Chap. 197

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If any person shall use any peculiar names, letters, marks, devices, or figures, printed, cut, stamped, cast, or engraved upon, or in any manner attached to or connected with any article manufactured by him, to designate it as his manufacture, the supreme judicial court shall have jurisdiction in equity to restrain by injunction any person who shall fraudulently use the same, or any similar names, letters, marks, devices, or figures, for the purpose of falsely representing any article to be manufactured by the person rightfully using such names, letters, marks, devices, or Supreme judicial court may restrain persons fraudulently using the marks and devices of others.

Persons injured may recover damages, &c.

figures; and the party whose rights have been infringed may, in any action of tort, also recover any actual damages which he may have suffered in consequence of the use of his trade-marks by the defendant. [*Approved by the Governor, May 7, 1852.*]

Chap. 198

An Act to incorporate the Roxbury Gas-Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Samuel Guild, Alvah Kitredge, and John H. Blake, their associates and successors, are hereby made a corporation by the name of the Roxbury Gas-Light Company, for the purpose of manufacturing and selling gas in the city of Roxbury; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Duties, privileges, &c.

May hold real estate \$200,000.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value two hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars.

Whole capital \$300,000.

With consent of mayor and aldermen may open ground in streets, &c.

SECT. 3. Said corporation, with the consent of the mayor and aldermen of the city of Roxbury, shall have power and authority to open the ground in any part of the streets, lanes, and highways in the said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the corporation, after opening the ground in such streets, lanes, and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance. *Provided*, that the said mayor and aldermen for the time being shall at all times have the power to regulate, restrict, and control the acts and doings of the said corporation, which may in any manner affect the health, safety, or convenience of the inhabitants of said city.

Held to put the same in repair. *Proviso.*

No stock issued under par.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Takes effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 7, 1852.*]

An Act in relation to District School-Houses.

Chap. 199

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The provisions of an act entitled "An Act concerning district school houses," passed in the year one thousand eight hundred and fifty, shall apply equally to the lands connected with said school houses and the apparatus and other property owned by the districts and used for school purposes. [Approved by the Governor, May 7, 1852.]

An Act in addition to an act to establish the office of Assistant Clerk of the Courts in the County of Worcester. Chap. 200

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The assistant clerk of the courts in the county of Worcester, shall receive for his services as assistant clerk of said courts, the sum of twelve hundred dollars a year, to be retained and paid to him by the clerk of said courts, from the residue of fees which he is now required to pay to the county treasurer. Salary \$1200; how paid.

SECT. 2. So much of the act to which this is in addition, as is inconsistent with this act, is hereby repealed. Act repealed.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 7, 1852.] Takes effect.

An Act extending the time for locating the Providence and Bristol Railway. Chap. 201

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time for locating the Providence and Bristol Railway, is hereby extended two years from the first day of May in the year one thousand eight hundred and fifty-two. [Approved by the Governor, May 7, 1852.] Time extended two years from first of May.

An Act concerning the Vermont and Massachusetts Railroad Company. Chap. 202

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Vermont and Massachusetts Railroad Company is hereby authorized to widen its location on the public highway in the town of Fitchburg, between the depot Railroad may be widened in Fitchburg in manner specified.

grounds of the Vermont and Massachusetts Railroad Company and of the Fitchburg Railroad Company, so far as to include all the tracks as they are now laid down on said highway, between the present passenger and freight houses of said Fitchburg Railroad Company.

No duties, liabilities, &c., diminished hereby.

SECT. 2. This act shall in no way diminish the duties, liabilities, and responsibilities of said Vermont and Massachusetts Railroad Company, concerning railroad crossings. [Approved by the Governor, May 7, 1852.]

Chap. 203 An Act to incorporate the Asiatic Mutual Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Benjamin L. Allen, Gardiner G. Hubbard, and Sanford M. Hunt, their associates and successors, are hereby made a corporation by the name of the Asiatic Mutual Marine Insurance Company, in Boston, for the term of twenty years, for the purpose of making maritime loans and insurance against maritime losses, on the principle of mutual insurance, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in an act entitled "An Act concerning Insurance Companies," passed in the year one thousand eight hundred and forty-two, and in all subsequent acts relating to mutual marine insurance companies. [Approved by the Governor, May 7, 1852.]

Term, twenty years.

Powers, duties, liabilities, &c., as in act of 1842, &c.

Chap. 204 An Act in relation to the Allegash Dam Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The same rights and interests are hereby granted to the Allegash Dam Company as are granted to the said company by an act entitled "An Act to incorporate the Allegash Dam Company," passed by the Legislature of Maine in the year one thousand eight hundred and fifty-one, in and to the block of land near the Allegash Falls in the State of Maine, and on which the same are situated, which was reserved from sale by this Commonwealth, and said State, for the purpose of improving the navigation of said falls, for running timber and logs over the same : *provided*, said company shall have no right to raise the price of tolls over their dam, above the rate named in said act of incorporation. [Approved by the Governor, May 7, 1852.]

Rights, interests, &c., same as in act of 1851.

Company no right to raise tolls, &c.

An Act to authorize the New London, Willimantic, and Palmer Railroad Company to subscribe to the Capital Stock of the Amherst and Belchertown Railroad Company. *Chap. 205*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The New London, Willimantic, and Palmer Railroad Corporation are hereby authorized to subscribe to the capital stock of the Amherst and Belchertown Railroad Company, to an amount not exceeding one hundred thousand dollars : *provided*, this act shall not take effect until the same shall have been accepted by a vote of three fourths of the stockholders of said New London, Willimantic, and Palmer Railroad Corporation ; and of said Amherst and Belchertown Railroad Corporation, voting at a meeting of each corporation called for that purpose. [*Approved by the Governor, May 11, 1852.*]

May subscribe \$100,000.

When act accepted by three fourths of the stockholders in both companies.

An Act relating to Widening and Straightening Little River Bridge in the Town of Haverhill. *Chap. 206*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The county commissioners of Essex county are hereby empowered, if in their opinion the public convenience and necessity require the same, to widen and straighten the bridge across Little River in the town of Haverhill, in said county, connecting Washington street and Merrimack street.

County commissioners may widen, straighten, &c., as specified.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 13, 1852.*]

Takes effect.

An Act authorizing the organization of a corporation by the name of the Holyoke Company. *Chap. 207*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George W. Lyman, James K. Mills, Samuel A. Elliot, William Sturgis, Ignatius Sargent, and Charles H. Mills, and their associates, are hereby authorized to organize a corporation by the name of the Holyoke Company, for the purpose of manufacturing cotton, woolen, and linen fabrics, in the town of Holyoke in the county of Hampden, according to the provisions of the one hundred and thirty-third chapter of the acts of the year one thou-

Corporators.

Manufacture cotton, woolen, and linen fabrics, as in 133d chapter, 1851.

sand eight hundred and fifty-one, entitled "An Act relating to Joint-Stock Companies," with a capital stock of not less than two hundred thousand dollars nor more than one million dollars, anything in said act to the contrary notwithstanding.

Capital stock
from \$200,000
to \$1,000,000.

Takes effect. **SECT. 2.** This act shall take effect from and after its passage. [*Approved by the Governor, May 13, 1852.*]

Chap. 208

An Act to incorporate the "Fitchburg Gas Company."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Ivers Phillips, Oliver A. Farwell, and George Odiorne, their associates and successors, are hereby made a corporation by the name of the Fitchburg Gas Company, for the purpose of erecting gas works and manufacturing gas in the town of Fitchburg, in the county of Worcester, and supplying said town and the citizens thereof with the same, with all the rights and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Rights, privi-
leges, liabilities,
&c.

May hold real
and personal
estate.
Capital stock
\$100,000.
No shares less
than par value. **SECT. 2.** Said corporation may take and hold such real and personal estate as may be necessary for the purposes aforesaid; but the capital stock of said company shall not exceed one hundred thousand dollars; and no shares in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

With consent
may sink and
repair pipes
and conduc-
tors in any
street, &c., as
specified. **SECT. 3.** The said corporation, with the consent of the selectmen of the said town, shall have power and authority to open the ground in any part of the streets, lanes, and high-ways of the said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes, and high-ways, shall be held to put the same again in repair under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being shall at all times have the power to regulate, restrict, and control the acts and doings of the said corporation which may in any manner affect the health, safety, or convenience of the inhabitants of said town.

Selectmen may
regulate, &c.,
as to health,
safety, conveni-
ence.

Takes effect. **SECT. 4.** This act shall take effect from and after its passage. [*Approved by the Governor, May 13, 1852.*]

An Act concerning Returns of Elections.

Chap. 209

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. It shall be the duty of the mayor and aldermen and the clerk of each city in the Commonwealth, to examine, as soon as may be after any election, the returns made by the returning officers of each ward in such city, of the results of the election in said ward; and if any manifest error shall appear therein, in the form of the return, the mayor and aldermen shall forthwith give notice to said ward officers of the error or deficiency in the form of said return; and it shall be the duty of said ward officers forthwith to make a new and additional return, under oath, in conformity to the truth in the case, which additional return, whether made upon such notice, or by the officers of any ward without such notice, shall be received by the mayor and aldermen or clerk of said city, at any time before the expiration of the day next preceding the day on which, by law, they are required to make their returns, or to declare the results of said election in said city; and all the original and additional returns, so made, shall be examined by the mayor and aldermen, and shall be made part of their returns of the results of such election. And in counting the votes in any election, no returns shall be rejected where the whole number of votes given for any officer or representative voted for, and the whole number of votes given for each candidate voted for, can be ascertained from such returns.

Mayor, aldermen, and clerk shall examine returns soon, and if faulty require new returns under oath.

Other regulations relating to returns.

SECT. 2. When returns of elections from any town are received at the office of the secretary of the Commonwealth, not sealed up as by law required, the secretary shall forthwith give notice thereof to the returning officers of said town; and upon the receipt of said notice, said returning officers shall make a copy of their record of the votes cast at said election, and shall make oath to the correctness of said copy; and shall transmit the same to the said secretary, sealed up as is required by law in the case of the original returns. And if, upon the opening of said copy of the record, by the governor and council, by the Legislature, or by any person or persons duly authorized to open the returns and count the votes, the original return shall be found in substantial conformity with the copy of the record returned as aforesaid, then said original return shall not be rejected because of the informality before-mentioned: *provided*, that said copy of the record shall have been received by the said secretary before the expiration of the day next preceding

When return is unsealed secretary Commonwealth shall give notice to returning officers, who shall make and transmit a copy on oath, sealed up.

that on which, by law, the returns of said elections are to be opened and the votes counted. [*Approved by the Governor, May 13, 1852.*]

Chap. 210

An Act for supplying the Town of Pittsfield with Pure Water.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Pittsfield fire district authorized by three commissioners to take, convey, &c.

Lanckton or Ashley pond and waters connected, and may take and hold real estate as specified.

May make one or more aqueducts, &c., and maintain same, with various other acts and purposes specified.

SECT. 1. The Pittsfield fire district is hereby authorized, by and through the agency of three commissioners, to be appointed in the manner hereinafter provided, to take, hold, and convey to, into, and through the village of Pittsfield, the water of Lanckton or Ashley pond, so called, in the town of Washington, and the waters which may flow into and from the same, and any water-rights connected therewith; and said district may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of, and distributing water, and for forming reservoirs; and may also take and hold any land on and around the margin of said Lanckton pond, and also on and around any stream flowing from said pond, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of water for the town and village of Pittsfield, and for public purposes.

SECT. 2. The said fire district may, by and through the same agency, make and build one or more permanent aqueducts from the pond aforesaid to, into, and through the said village, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs *within and without* the said village; may make and establish public fountains, and such public hydrants, in such places as may from time to time be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same, may distribute the water throughout the village, may regulate the use of said water, and establish the prices or rents to be paid therefor. And the said fire district may, for the purposes aforesaid, carry and conduct any aqueducts or other works, by them to be made and constructed, over or under any water-course, street, turnpike-road, railroad, highway, or other way, in such manner as not to obstruct or impede travel thereon, and may enter upon and dig up any such road, street, or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same;

and may do any other things necessary and proper in executing the purposes of this act.

SECT. 3. Three commissioners shall be chosen by the said fire district by ballot, who shall, during their continuance in office, execute, superintend, and direct the performance and execution of all the works, matters, and things mentioned in the preceding sections that are not specially otherwise provided for in this act; they shall be subject to such ordinances, rules, and regulations, in the execution of their said trust, as the said district may from time to time ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth; they shall respectively hold their said offices for the term of three years, next after their appointment, unless the works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by vote of two thirds of the voters present at any legal meeting of the district; and in case of a vacancy in the board by death, resignation, or removal, such vacancy may be filled by the appointment of another commissioner in manner aforesaid, who shall hold his office for the residue of the three years, with all the powers and subject to the restrictions aforesaid. A major part of said commissioners shall be a quorum to do business; they shall once a year, and whenever required by a vote of the said district, make and present in writing a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid.

Commissioners chosen by ballot.

Subject to rules and regulations of district.

Hold office three years, unless, &c.

May be removed by two thirds.

Vacancy may be filled.

Shall make report of their doings.

SECT. 4. Before the appointment of the Commissioners aforesaid, the said district shall establish the salaries or compensation to be paid to the commissioners for their services, and the said salaries or rate of compensation so established, shall not be altered during their continuance in said office.

May establish salaries, &c.

SECT. 5. Whenever the office of said commissioners shall cease,—either by the expiration of said term of three years, or by the completion of the works as mentioned in the foregoing sections of this act,—all the rights, powers, and authority given to the said fire district by this act, shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities, and restrictions herein contained, in such manner and by such officers and agents as the said district shall from time to time ordain and direct.

When office of commissioners shall cease, the district shall exercise same rights, powers, &c.

SECT. 6. The said district shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land, water, or water-rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes specified in this act. And if any

District liable to pay all damages for land, water, &c.

County commissioners may assess damages in case of disagreement.

Aggrieved party may have a jury, &c.

person who shall sustain damage as aforesaid cannot agree with said commissioners upon the amount of said damages, he may have them assessed by the county commissioners for the county of Berkshire, by making a written application therefor within two years after the said water or water-rights shall have been taken under this act, and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury, and the said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner, as is provided in chapter twenty-four of the Revised Statutes with respect to highways.

Town of Pittsfield may issue notes, scrip, &c., to amount of \$50,000, interest semi-annually.

SECT. 7. For the purpose of paying all costs and expenses of such estates, waters, and water-rights as shall be taken, purchased, or held, for the purposes of this act, and for the construction of all works necessary for the accomplishment of the purposes aforesaid, and all expenses incident thereto, the town of Pittsfield shall have authority to issue from time to time, notes, scrip, or certificates of debt, to be denominated on the face thereof "Pittsfield Water-Scrip," to an amount not exceeding in the whole the sum of fifty thousand dollars, bearing interest at a rate not exceeding the legal rate of interest of this Commonwealth; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip, or certificates respectively. All notes, scrip, and certificates of debt to be issued as aforesaid shall be signed by the treasurer of the town, and countersigned by the chairman of the selectmen of the town, and a record of all such notes, scrip, and certificates shall be made and kept by the said treasurer; and the said fire district may sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said fire district shall judge proper.

To be signed by town treasurer and chairman selectmen, and recorded.

Town of Pittsfield may assess sufficient to pay principal and interest of scrip, &c.

SECT. 8. The town of Pittsfield is hereby fully authorized to assess and collect upon the polls and estate, real and personal, in said fire district, all taxes necessary to pay the principal and interest of the scrip that shall be sold or pledged by the said district as aforesaid.

Penalty for diverting or corrupting the water.

SECT. 9. If any person shall use any of the said water without the consent of the said district, an action of trespass on the case, or tort, may be maintained by the said district against him for the recovery of damages therefor; and if any person shall wantonly or maliciously divert the water, or any part thereof, of either the pond or any streams

or water courses which shall be taken by the said district, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery, or other property, held, owned, or used by the said district by the authority and for the purposes of this act, every such person shall forfeit and pay to the said district three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And any such person, moreover, may, on conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding three hundred dollars, and imprisonment not exceeding one year.

May be punished by fine and imprisonment.

SECT. 10. There shall be a legal meeting of the voters of the said fire district called within four years after the passage of this act, for the purpose of having the said voters give in their written votes on the question whether they will accept this act, and if two thirds of said votes shall be in the affirmative, then the selectmen of the town of Pittsfield shall warn a meeting of the voters of said town within three months after, for the purpose of having said voters give in their written votes upon the question whether they will accept the same, and if two thirds of said votes given upon the question aforesaid be in the affirmative, then this act shall be binding, otherwise it shall be null and void. This act shall take effect from and after its passage. [Approved by the Governor, May 13, 1852.]

Meeting for the acceptance of this act, when and how held, &c.

Takes effect.

An Act respecting Bail Bonds in Civil Actions.

Chap. 211

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any sheriff or deputy sheriff required to take a bail bond in any civil action, may examine on oath, to be administered by him, the persons offered as sureties, as to their sufficiency. [Approved by the Governor, May 13, 1852.]

An Act concerning Trustees.

Chap. 212

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The judges of the supreme judicial court and the judges of the several courts of probate in their several counties, upon application of the parties (other than the trustee) beneficially interested in any trust estate, whether such

Judges of supreme judicial court, and of probate may on application

remove a trustee and appoint another, who shall possess same powers, perform same duties.

No trustee shall be removed without notice, and opportunity of being heard.

Appeal may be had to supreme judicial court.

estate be created by deed, indenture, or other instrument, may at the desire of such parties, and if it shall appear to said judges to be essential to their interests, remove the trustee of such estate and appoint a new trustee who shall possess all the powers, and be compelled to perform all the duties of the trustee originally appointed: such new trustee giving the like bonds and security as are required, if any, by the deed, indenture, or other instrument creating the trustestate: *provided*, that no trustee shall be so removed until he has had notice of the application for his removal, and an opportunity to be heard and to show cause why such removal should not be made: *and provided, also*, that when such removal is ordered by a judge of probate, there shall be an appeal from such order to the supreme judicial court, in the same manner as in cases of other orders of such judge of probate. [Approved by the Governor, May 13, 1852.]

Chap. 213

An Act relating to Discharged Convicts.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Agent's salary \$500, payable quarterly.

SECT. 1. The agent appointed by an act entitled "An Act relating to Discharged Convicts," passed in the year one thousand eight hundred and forty-five, shall receive for his services the sum of five hundred dollars per annum, payable quarterly.

Agent to keep account of expenditures for various objects specified.

SECT. 2. The said agent shall keep an account of the moneys expended by him, for the rent and other necessary expenses of his office, for correspondence and travel to procure employment for discharged convicts, for furnishing the clothing, board, and tools, now required of him by law, and for conveying discharged convicts to their homes or places of employment, when he shall deem it proper to pay therefor, and shall present the same to the State auditor, whose approval thereof shall entitle said agent to receive pay therefor, at the end of each quarter, from the treasury of the Commonwealth; but the whole amount so paid him for such expenditures, shall not exceed five hundred dollars in any one year; and the governor is requested to draw his warrant from time to time, for the payment of appropriations made by this act.

Shall present account to State auditor, not to exceed \$500.

Warden may pay over to agent for benefit of convicts.

SECT. 3. The warden of the State prison may pay over to the said agent, to be expended by him for the benefit of the convicts, such sums of money as he is authorized by the fifty-third section of the one hundred and forty-fourth

chapter of the Revised Statutes, to pay to the convicts themselves, in all cases when he shall deem it best for them that the expenditure thereof be committed to the agent; and the agent shall account therefor to the State auditor.

SECT. 4. All acts and parts of acts inconsistent herewith, Acts inconsistent repealed.
are hereby repealed.

SECT. 5. This act shall take effect from and after its Takes effect.
passage. [Approved by the Governor, May 13, 1852.]

An Act concerning Beaches in the City of Lynn.

Chap. 214

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No person shall carry away or remove, by land No sea-weed to be removed without permission.
or water, any sea-weed from the Long Beach, in the city of Lynn, without permission first obtained from the city council of said city, or from some person or persons duly authorized by the said city council to grant such permission.

SECT. 2. No person shall carry away or remove, by land No sand, stones, gravel or mud, to be removed.
or water, any sand, stones, gravel, or mud, from the several beaches in the city of Lynn, known as King's Beach, Blaney's Beach, and Whale Beach, without permission first obtained, as provided for in the first section.

SECT. 3. Any person who shall offend against any of the Offender liable to pay \$20.
provisions of this act, shall forfeit and pay for each offence a sum not exceeding twenty dollars, to be recovered by complaint or indictment in any court of competent jurisdiction, one half for the use of the complainant, the other half for the use of said city of Lynn.

SECT. 4. This act shall take effect from and after its Takes effect.
passage. [Approved by the Governor, May 13, 1852.]

An Act in addition to the several acts concerning the First Parish in Rowley.

Chap. 215

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The authority given to the First Parish in Special authority transferred from First Parish to qualified voters in same territory, who may elect assessor and collector.
Rowley to assess and collect a tax, and for other purposes set forth in the act to which this in addition, passed on the fourth day of March in the year one thousand eight hundred and twenty-nine, is hereby transferred from said parish to the qualified voters who reside within the territorial limits of the same, a majority of whom present and voting at a meeting duly warned for the purpose, are hereby authorized

Certain part
of former act,
repealed.

Takes effect.

to elect an assessor and collector, and to exercise all the powers heretofore exercised by said First Parish in the premises.

SECT. 2. So much of said act passed on the fourth day of March in the year one thousand eight hundred and twenty-nine, to which this is in addition, as is inconsistent with this act, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 13, 1852.*]

Chap. 216

An Act concerning Teachers' Institutes.

Sums appro-
priated to
Teachers' In-
stitutes may
be apportioned
by board edu-
cation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The sums appropriated to defray the expenses of Teachers' Institutes, by an act entitled An Act to establish Teachers' Institutes, passed in the year one thousand eight hundred and forty-six, and by a resolve entitled A Resolve concerning Teachers' Institutes, passed in the year one thousand eight hundred and fifty, may be apportioned in such manner as the board of education shall determine: *provided*, that not more than three hundred and fifty dollars shall be expended upon any one institute. [*Approved by the Governor, May 13, 1852.*]

Chap. 217

An Act to incorporate the Third Unitarian Society in Dorchester.

Corporators.

May hold real
estate, \$50,-
000 for paro-
chial purposes
only.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Alexander Pope, James H. Blake, Axel Dearborn, their associates and successors, are hereby made a corporation by the name of the Third Unitarian Society, in Dorchester, with all the powers and privileges, and subject to all the duties and liabilities incident to religious societies in this Commonwealth; with power to hold real and personal estate to the amount of fifty thousand dollars: *provided*, the same be appropriated exclusively to parochial purposes.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 13, 1852.*]

An Act to authorize the First Congregational Parish in the Town of Yarmouth to sell Ministerial and Parsonage Lands. *Chap. 218*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The First Congregational Parish in the town of Yarmouth is hereby authorized to sell and convey by deed, all the ministerial and parsonage lands belonging to said parish, situate in said town. May sell and convey all the ministerial and parsonage land.

SECT. 2. The said parish may, at any legal meeting called for that purpose, choose a committee to make sale of said lands in such way and manner as shall best promote the interest of said parish ; and the committee thus chosen shall have authority to execute and deliver deeds accordingly. At a legal meeting may choose committee to sell.

SECT. 3. The proceeds of the sale of said lands shall be invested in such manner as said parish shall direct ; and the income arising therefrom shall be applied to the support of the ministry in said parish. Proceeds invested, and income applied toward support of ministry.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 13, 1852.*]

An Act to authorize Lewis Crosby, Ansel Lewis, Ferdinand G. Kelly, and their associates, to build a Wharf. *Chap. 219*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lewis Crosby, Ansel Lewis, Ferdinand G. Kelly, and their associates, are hereby authorized to build and maintain a wharf from their land in the village of Centreville, in Barnstable, and to extend the same into the sea to the depth of ten feet of water at low tide, and to lay vessels at the said wharf, and to receive dockage and wharfage therefor : *provided*, that this grant shall in nowise impair the legal rights of any person. [*Approved by the Governor, May 13, 1852.*] May build a wharf in Centreville.

An Act concerning the Stoneham Branch Railroad Company. *Chap. 220*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time allowed for the filing of the location of the Stoneham Branch Railroad, passed in the year one thousand eight hundred and fifty-one, is hereby Time for filing location extended one year.

extended for the period of one year, from the first day of May, eighteen hundred and fifty-two.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 13, 1852.*]

Chap. 221 An Act to authorize John C. Gibbs, Gardner C. Gibbs, and Seth W. Brown, to extend their Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors
may extend in-
to Taunton
Great River,
but not impede
navigation.

John C. Gibbs, Gardner C. Gibbs, and Seth W. Brown, proprietors of a wharf in the town of Somerset, are hereby authorized to extend and maintain the same into Taunton Great River, to a distance not exceeding three hundred feet, including the present structure: *provided*, that the said wharf shall not extend into the harbor or channel so as to impede the navigation of the said river; and they shall have the right to lay vessels at the said wharf, and to receive dockage and wharfage therefor: *provided*, that this act shall in nowise impair the legal rights of any person. [*Approved by the Governor, May 13, 1852.*]

Chap. 222 An Act concerning disturbances of Schools and Public Meetings.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Justices of
peace, police
courts, court
common pleas,
and municipal
courts to have
concurrent ju-
risdiction, &c.

SECT. 1. Every justice of the peace within his county, and the several police courts established by law, shall have jurisdiction concurrent with the court of common pleas in their respective counties, and the police court of the city of Boston shall have jurisdiction concurrent with the municipal court, of the offence specified in an act passed the twenty-seventh day of March, in the year one thousand eight hundred and forty-nine, entitled "An Act to prevent disturbances of schools and public meetings," when said offence is not of an aggravated nature: *provided, however*, that such justices and the police courts aforesaid, shall punish such offence by imprisonment in the county jail or house of correction, not more than thirty days, or by fine not exceeding ten dollars; saving to the party convicted the right of appeal, as in other cases. [*Approved by the Governor, May 13, 1852.*]

Punishment,
county jail, or
house of cor-
rection, or fine
\$10.
Right to ap-
peal.

An Act to incorporate the Proprietors of the Union House in Worcester. *Chap. 223*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Henry Chapin, Allen Harris, Calvin Newton, Corporators.
William B. Fox, William H. Harris, and John F. Pond,
their associates and successors, are hereby made a corpora-
tion by the name of "The Proprietors of the Union House,
in Worcester," for the purpose of erecting a hotel or board- May erect and
maintain hotel
or boarding-
house.
ing-house in the city of Worcester, and maintaining the
same and the buildings and appurtenances connected there-
with, and for those purposes shall have all the powers and Powers, re-
strictions, &c.,
38 and 44 Re-
vised Statutes.
privileges, and be subject to all the duties, restrictions, and
limitations, set forth in the thirty-eighth and forty-fourth
chapters of the Revised Statutes: *provided*, that said cor-
poration shall not carry on the business of hotel or boarding- Corporation
not to carry on
the business.
house keeping, or be in any way interested in said business:
and provided, further, that said corporation shall make it a
condition of any and all leases of said estate that no intoxi- No intoxicat-
ing liquors.
cating liquors shall be sold upon the premises.

SECT. 2. The whole amount of real and personal estate
or capital stock which said corporation may hold shall not
exceed one hundred thousand dollars. Capital stock,
\$100,000.

SECT. 3. When any stockholder in this corporation shall
transfer his stock in this corporation, a certificate of such
transfer shall forthwith be deposited with the city clerk of
the city of Worcester, who shall note the time when the
same was deposited, and record the certificate at full length
on the record-book of the city; and no transfer of such
stock shall be valid as against the creditors of such stock-
holder, until such certificate shall have been deposited and
recorded as aforesaid. When stock is
transferred,
certificate to
be filed with
city clerk.

SECT. 4. This act shall take effect from and after its Takes effect.
passage. [*Approved by the Governor, May 13, 1852.*]

An Act to prevent and punish Fraudulent Arrests.

Chap. 224

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. When any person is arrested by virtue of any
process, or is taken into custody by any officer in this Com- A person ar-
rested to know
the true
ground of his
arrest.
monwealth, such person shall have a right to know from
the officer who arrests or claims to detain him, the true
ground on which the arrest is made; and any officer who
shall refuse to answer such question, or who shall fail to
answer the same truly, or who shall answer the same

Punishment
for refusal,
fine or impris-
onment.

untruly, or who shall assign to the person arrested an untrue reason for the arrest, or shall neglect on request to exhibit to the person arrested, or any other person acting in his behalf, the precept by virtue of which such arrest is made, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the house of correction not more than one year.

For false ar-
rest, fine or
imprisonment.

SECT. 2. Any officer who shall arrest, take into, or detain in custody any person in this Commonwealth, pretending to have a process when he has none, or pretending to have a different process from that which he has, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the house of correction not more than one year. [*Approved by the Governor, May 13, 1852.*]

Chap. 225

An Act to incorporate the Town of Marion.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boundaries.

SECT. 1. All that part of the town of Rochester, in the county of Plymouth, comprised within the following limits, to wit:—beginning in the west line of the town of Wareham at a point east of the north-east corner of Richard Gurney's homestead; thence westerly in line of said Gurney's homestead to the north-west corner thereof; thence southerly in a straight line to the north-east corner of Jonathan Perry's homestead; thence southerly in line of said Perry's homestead to the southeast corner thereof; thence in a straight line to the north-west corner of Amos Hadley's wood-lot; thence southerly in west line of said Hadley's wood-lot to the south-west corner thereof; thence in a straight line to where the Dogget brook unites with Sippican River; thence up the course of said brook one half of one mile; thence in a straight line southerly, passing ten rods east of the dwelling-house of Jesse Parlow, late of Rochester, deceased, to the Matapoissett precinct, so called; thence southeasterly in line of said precinct to a point west from the south-west corner of Noah D. Handy's wood-lot; thence east to Aucoot cove; thence southeast to Buzzard's bay; thence by the bay and the south and west lines of the town of Wareham to the place of beginning,—is hereby incorporated by the name of Marion; and the said town of Marion is hereby vested with all the powers, privileges, rights, and immunities, and made subject to all the duties and regulations, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Powers, privi-
leges, &c. &c.

SECT. 2. The inhabitants of said town of Marion shall be holden to pay all arrearages of taxes legally assessed upon them before this act takes effect, and also their proportion of such State and county taxes as may be assessed upon them before the taking of the next State valuation (said proportion to be ascertained and determined by the last decennial valuation of the town of Rochester), to the treasurer and collector of said town; and all moneys now in the treasury of said town of Rochester, or that may hereafter be received from taxes already legally assessed, or directed to be assessed, shall be applied to the purposes for which they were raised and assessed, in like manner as if this act had not been passed.

To pay arrear taxes as specified.

SECT. 3. The said towns of Rochester and Marion shall be respectively liable for the support of all persons who are now receiving relief from Rochester as paupers, according to the last decennial valuation of property within their respective limits. And the said towns of Rochester and Marion shall be respectively liable for the support of all persons who may hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

Paupers, how to be supported.

SECT. 4. The "town-house" shall be the exclusive property of Rochester.

SECT. 5. The alewife fisheries of Mattapoissett River and the "town mills," situate on said river, shall remain the property and privilege of all the inhabitants of the said towns of Rochester and Marion, and said alewives shall be sold, as now, to each and every family residing in both the towns aforesaid, at any such price per one hundred as the majority of the legal voters of both the said towns of Rochester and Marion may, from time to time, determine. That the net yearly profits of said alewife fisheries, and net yearly earnings of the said town mills shall be appropriated, as now, as a sinking fund to pay the debts made on account of the said mills and alewife fisheries, until said debts shall be thus, or otherwise, liquidated, after which said mills shall be sold, whenever the majority of legal voters of both the said towns of Rochester and Marion shall so determine; and the net proceeds received from said sales, as also the future net yearly profits from sales of said alewives, and net yearly earnings of said mills (until sold), shall be apportioned and paid into the treasury of each of the said towns of Rochester and Marion, according to the valuation of each of the said towns, as ascertained and determined by their next preceding town valuations respectively. The manner of taking said alewives, and the whole management of said fisheries, as also the letting and management of the

Fisheries and town mills to be shared by inhabitants as specified.

Three inspectors, two from Rochester, one from Marion.

said town mills, until disposed of, shall be with three inspectors, to be chosen annually, as follows: two from the said town of Rochester, and one from the said town of Marion.

Marion to pay proportion of debts and receive proportion of property.

SECT. 6. The inhabitants of the town of Marion shall be holden to pay their just and equitable proportion of all debts and liabilities for which the said town of Rochester may be liable when this act takes effect; and said town of Marion shall be entitled to receive their just and equitable proportion of the value of all property, both real and personal, and of all annuities, funds in trust, or assets now owned or held by the said town of Rochester, the disposition of which is not provided for in the two preceding sections, four and five; and in case the towns of Rochester and Marion shall not agree on their respective proportions of the debts, liabilities, property, annuities, funds, assets, town paupers, State or county taxes, the court of common pleas for the county of Plymouth shall, upon the petition of either of said towns, appoint three competent and disinterested persons to hear and award thereon, and their award or the award of any two of them, being accepted by said court, shall be final.

In case of disagreement court of common pleas of Plymouth to appoint three persons.

Fishing privileges continued.

SECT. 7. All the privileges which the citizens of Rochester and Marion had before this act takes effect, to take shell or scale fish from the shores or flats and waters, within the towns of Rochester and Marion, shall remain the same as if this act had not passed.

To pay proportion of surplus revenue.

SECT. 8. The town of Marion shall pay their just and equitable proportion of the surplus revenue, whenever called for by the government of the United States.

Marion and Rochester vote together for State and U. S. officers.

SECT. 9. Said town of Marion shall continue to be a part of the town of Rochester, for the purpose of electing a representative to the General Court, State officers, senators, representative to Congress, and electors of president and vice-president of the United States, until the next decennial census shall be taken, in pursuance of the thirteenth article of the amendment of the constitution; and all meetings for the choice of said officers shall be called by the selectmen of Rochester, and shall be holden in the town of Rochester; and the selectmen of Marion shall make a true list of all persons within their town, qualified to vote at every such election, and shall post up the same in said town of Marion, and shall correct the same as required by law, and shall deliver a true copy of the same to the selectmen of Rochester, seven days at least before the day of every such election, to be used thereat.

Meeting of inhabitants of

SECT. 10. Any justice of the peace for the county of Plymouth may issue his warrant, directed to any principal

inhabitant of said town of Marion, requiring him to notify Marion, how called. and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up copies thereof, attested by the person to whom the same is directed, in four public places in said town, fourteen days at least before the time of meeting. The selectmen of Rochester shall, before said meeting, prepare a list of voters in said town of Marion, qualified to vote at said meeting, and shall deliver the same to the person presiding at said meeting, before the choice of moderator thereof.

SECT. 11. This act shall take effect from and after its Takes effect. passage. [*Approved by the Governor, May 14, 1852.*]

An Act to authorize Zenas Atkins to build a Wharf.

Chap. 226

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Zenas Atkins is hereby authorized to build a wharf from May extend his wharf in Chatham, with usual privileges. his land at or near Nickerson's Point, in Chatham, into the harbor, and he shall have the right to lay vessels at the said wharf, and to receive wharfage and dockage therefor: *provided*, that the said wharf shall in no way obstruct the anchorage for vessels in the said harbor: *and provided, also*, that this grant shall not interfere with the legal rights of any person. [*Approved by the Governor, May 14, 1852.*]

An Act to require Returns from Mutual Fire Insurance Companies.

Chap. 227

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The secretary of each mutual fire insurance company now incorporated, and which shall hereafter be incorporated in this Commonwealth, shall make annual returns of the state and condition of the affairs of such company, made up to the first day of December in each year, according to the following form: Annual return to be made to first December.

Form of Return for Mutual Fire Insurance Companies.

Form of Return.

Name of the company.

Where located.

Date of commencement of business.

Amount insured by existing policies.

Amount of premiums and deposits received on same.

Portion of premiums and deposits received in money.

Portion of premiums and deposits received in notes.

Amount of assets other than notes received for premiums and deposits; state particularly of what they consist.

Amount of losses paid during the last five years, or since the commencement of business, if less than five years.

Amount assessed on notes for the same period.

Amount assessed beyond the amount of notes.

Amount of liability of parties insured to assessment, in addition to the amount already collected.

Amount of assessments uncollected.

Amount of dividends paid to policy holders during same period.

Amount of policies terminated the past year.

Amount of policies issued the past year.

Amount of premiums and deposits received for said policies.

Amount of losses paid the past year.

Amount of losses ascertained and unpaid.

Amount of assessments on notes the past year.

Amount of assessments the past year beyond the amount of notes.

Amount of dividends paid to policy holders the past year.

Amount of debts owed by the company for money borrowed or otherwise.

Highest rate of interest paid.

Highest rate of interest received.

Amount insured on real estate.

Amount insured on personal property.

Amount insured on first class.

Amount insured on second class.

Amount insured on third class.

Amount insured on fourth class.

Premiums and deposits received in first class.

Premiums and deposits received in second class.

Premiums and deposits received in third class.

Premiums and deposits received in fourth class.

Losses in first class.

Losses in second class.

Losses in third class.

Losses in fourth class.

Which return shall be transmitted to the secretary of the Commonwealth on or before the fifteenth day of December, in each year; and shall be signed by the president and secretary of such insurance company, who shall make oath before some justice of the peace to the truth of said returns, according to their best knowledge and belief.

SECT. 2. Every such insurance company neglecting to comply with the provisions of the preceding section shall

Each day's
neglect \$100
forfeit.

forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, one hundred dollars for each and every day's neglect.

SECT. 3. The secretary of the Commonwealth shall furnish four printed copies of the form of return required by this act to the secretary of every mutual fire insurance company, in the months of August or September, annually. Secretary of Commonwealth shall furnish four copies to each company.

SECT. 4. The secretary of the Commonwealth, after he shall have received the returns from the several insurance companies aforesaid, shall, as soon as may be, cause to be prepared and printed a true abstract from these returns; and he shall transmit by mail one copy thereof to the president of each mutual fire insurance company in the Commonwealth, and shall submit the same to the Legislature at the next session thereof. [*Approved by the Governor, May 14, 1852.*] Shall prepare an abstract, and transmit one copy to each company and to Legislature.

An Act to incorporate the Mechanics' and Engineers' Experimental Railroad Company.

Chap. 228

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George Odiorne, Bryant P. Tilden, William W. Gannett, their successors and assigns, are hereby made a corporation by the name of the Mechanics' and Engineers' Experimental Railroad Company, for the purpose of making experiments on improvements in rails, railroad switches, crossings, bridges, cars, motive power, and the modes of laying down and working railways, and using and improving the same, with all the powers, and subject to all the duties and restrictions, contained in the forty-fourth chapter of the Revised Statutes. Corporators. Purpose. Powers, &c., as in 44th chapter R. S.

SECT. 2. Said company is hereby empowered and authorized to locate, construct, and maintain, for the purpose aforesaid, a railroad with one or more tracks of not less than two miles nor more than four miles in length, and to use and improve the same, in such place as they may deem suitable within the town of Chelsea, or that town and the adjoining town of Malden: *provided*, the land for said railroad and appurtenances belong to said company, or the fee or right thereto shall be acquired by said company by purchase, lease, or gift, and not otherwise: *and provided, also*, that said company shall have no right to take gravel, or materials, for said railroad, without the consent of the owners or occupiers thereof, nor to cross any town or county road without the consent of the county commissioners, for the county in which the town or county road that said May locate, construct, and maintain railroad. In Chelsea, or Chelsea and Malden. Not to take gravel or materials without consent, nor cross town or county road.

Nor cross any railroad. company may desire to cross, may be, nor to cross any railroad without the consent of the proprietors thereof.

Real and personal estate and capital stock, \$250,000. **SECT. 3.** Said corporation may hold such real and personal estate as may be necessary or convenient for the purposes aforesaid, but the whole capital stock of said company shall not exceed two hundred and fifty thousand dollars; and no shares in the capital stock shall be issued for a less sum or amount to be paid in on each than the par value of the shares first issued.

Takes effect. **SECT. 4.** This act shall take effect from and after its passage. [*Approved by the Governor, May 14, 1852.*]

Chap. 229

An Act to incorporate the Evangelical Society in Lancaster.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Charles Wayman, Charles Humphreys, and Caleb T. Symmes, their associates and successors, are hereby made a corporation by the name of the Evangelical Society in Lancaster, with all the powers and privileges, and subject to all the duties and liabilities incident to religious societies in this Commonwealth, with power to hold real and personal estate to the amount of ten thousand dollars: *provided*, the same be appropriated exclusively to parochial purposes.

Real and personal estate \$10,000. **SECT. 2.** Said society may assess upon the pews in their meeting-house, according to a valuation thereof, first to be agreed upon by them and recorded, such sums as shall be necessary for the support of public worship in said house, and other parochial charges; and all such assessments may be collected in the manner provided by the thirty-second, thirty-third, and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

Pews may be assessed according to valuation. **SECT. 3.** This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1852.*]

Chap. 230

An Act to authorize the Boston and Providence Railroad Corporation to construct a Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location described. **SECT. 1.** The Boston and Providence Railroad Corporation are hereby authorized to construct a railroad, commencing at some point on the Boston and Providence Railroad, in the town of Seekonk, and thence running

southerly to the line of the State of Rhode Island, there to connect with a railroad running from Bristol in said last named State.

SECT. 2. The location of said road shall be filed within two years from the passage of this act. *[Approved by the Governor, May 18, 1852.]* To be filed within two yrs.

An Act relating to Insurance by Foreign Corporations.

Chap. 231

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The provisions of the act entitled "An Act in addition to an act to provide against Loss from Insurance by Foreign Corporations," passed in the year one thousand eight hundred and fifty-one, are hereby extended, except as hereinafter provided, to companies not incorporated in this Commonwealth, making insurance on health. Provisions of act of 1851 extended, except as herein.

SECT. 2. Every person acting for an insurance company not incorporated in this Commonwealth, shall annually, in the month of October, deposit with the treasurer of the Commonwealth, and shall also, in the months of October and November of each year, publish six times in each of three different newspapers in the county in which such person resides, or has his place of business, a statement similar in all respects to that required by the forty-first section of the thirty-seventh chapter of the Revised Statutes, and said statement shall be deposited with said treasurer before making any contract of insurance; and said publication shall be continued for six weeks successively in those counties in which there are less than three newspapers. Agents of insurance companies out of the Commonwealth: Requirements of. To publish in newspapers.

SECT. 3. Every such agent shall exhibit in conspicuous letters, on the sign designating his place of business, the name of the State under whose authority the company he represents has been incorporated. And said company and agent shall also have printed in large type the name of such State upon all policies issued to citizens of this Commonwealth, on all cards, placards, and pamphlets, and in all advertisements published, issued, or circulated in this State, by them or him, relating to the business of such company. Exhibit on sign the name of the State, &c.

SECT. 4. No person shall be allowed to act as agent of any insurance company not incorporated in this Commonwealth, until such company and such agent shall have complied with all the requirements of the laws of this Commonwealth relating to such companies and their agents. And every person so acting without such compliance, after the first day of July next, shall forfeit for every such offence the sum of one thousand dollars. No such agent allowed to act till all requirements are complied with.

Secretary, treasurer, and auditor of the Commonwealth, are a board of insurance commissioners.

SECT. 5. The secretary, treasurer, and auditor of this Commonwealth, are hereby constituted a board of insurance commissioners; and it shall be their duty, annually, in the month of November, to examine the statements and returns required to be made by the companies and agents aforesaid; and if, in their opinion, any statement or return shall be obscure, defective, or in any respect unsatisfactory, it shall be their duty immediately to require answers, under oath, from the agent by whom such obscure, defective, or unsatisfactory statement or return shall have been deposited or made, to such interrogatories as they may deem necessary and proper to be answered in order to explain such statement or return, and exhibit a full and accurate view of the business and resources of the company represented by such agent. And any agent refusing or neglecting to answer such interrogatories for the space of thirty days, shall be deemed not to have complied with the provisions of the laws of this Commonwealth; and if he continue to act as agent, aforesaid, shall be liable to the penalty prescribed in the preceding section. And said commissioners shall prepare an abstract of the statements and returns made by foreign insurance companies and their agents, which abstract shall be printed and laid before the Legislature in the month of January in each year; and for any services rendered, or expenses incurred, by said commissioners in enforcing the provisions of this act, the governor and council may audit their accounts, and allow a reasonable compensation.

Commissioners to prepare an abstract of foreign insurance companies.

Certain acts repealed.

SECT. 6. The last five sections of the thirty-seventh chapter of the Revised Statutes, and the eleventh section of the three hundred and thirty-first chapter of the acts of the year one thousand eight hundred and fifty-one, are hereby repealed.

Any foreign insurance company with a capital of \$50,000 may insure on live stock.

SECT. 7. Any insurance company, other than those incorporated in this Commonwealth, having a capital of fifty thousand dollars, may make insurance on live stock, but on no other property: *provided*, said company, and its agent, previous to making such insurance, shall have complied with all the requirements of the laws of this Commonwealth relating to insurance by foreign corporations.

SECT. 8. All payments made for policies, whether in money or by note, or other security, shall be taken and deemed to be premiums for the purposes expressed in the seventh section of the act mentioned in the first section of this act.

Duty of commissioners, attorney-general

SECT. 9. It shall be the duty of the aforesaid commissioners, and of the attorney-general, and the district attorneys of this Commonwealth, to cause the provisions of this

act, and of all acts relating to insurance by foreign corporations, to be executed and enforced. and district attorneys.

SECT. 10. All penalties recovered for violations of the provisions of this act, and of all other acts relating to insurance by foreign corporations, shall go, one half to the person giving information of such violations, and one half to the treasury of the Commonwealth. [*Approved by the Governor, May 18, 1852.*]

An Act concerning the Cabot and Perkins Corporations, and to increase the Capital Stock of the latter. *Chap. 232*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The stockholders of the Perkins Mills, in the town of Chicopee and county of Hampden, are hereby authorized to create five hundred additional shares of capital stock, of one thousand dollars each, which shares shall be issued to the several stockholders of the Cabot Manufacturing Company, in said Chicopee, in proportion to the number of shares held by each in said Cabot Manufacturing Company: *provided*, that at a legal meeting called for the purpose, the said Cabot Manufacturing Company shall, by a vote of not less than four fifths of the stockholders in number and amount, consent to sell and transfer so much of their entire property and estate to the said Perkins Mills, as shall be equivalent to the five hundred shares of additional stock to be created in said Perkins Mills: *provided, also*, that this sale and transfer shall be made within six months from the passage of this act.

Perkins company authorized to add 500 shares of \$1000 each to capital stock.

Proviso.

Cabot Company shall consent, by vote of at least four fifths in number and amount.

SECT. 2. When the said sale and transfer shall be made the said Cabot Manufacturing Company's charter shall be annulled: *provided*, that for all the purposes connected with the settlement of the affairs of said corporation, this surrender shall not affect the claims, rights, or demands of the said corporation, or their creditors in law or equity.

When transfer is made, charter of C. M. C. void.

Except, &c.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1852.*]

Takes effect.

An Act to incorporate the Boston Submarine and Wrecking Company. *Chap. 233*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George L. Johnson, B. P. Cheney, Charles McIntire, their associates and successors, are hereby made a corporation by the name of the Boston Submarine and

Corporators.

Wrecking Company, for the purpose of relieving vessels in distress, and recovering wrecked and sunken property ; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, liabilities, &c., as in chapters 38th and 44th R. S.

Capital stock, \$150,000.

No shares issued under par.

SECT. 2. The capital stock of said corporation shall not exceed in amount one hundred and fifty thousand dollars ; and no shares of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [*Approved by the Governor, May 18, 1852.*]

Chap. 234

An Act concerning the Assessment of Taxes.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Taxes against an estate before appointment of administrator, enforced as if made after such appointment.

All taxes assessed upon the personal estate of any deceased person, before the appointment of an administrator or executor thereof, if otherwise legal, shall be enforced against said estate and the representative thereof, after an executor or administrator shall have been appointed, in the same manner as if an administrator or executor had been appointed when said assessment was made. [*Approved by the Governor, May 18, 1852.*]

Chap. 235

An Act in relation to the Worcester County Institutions for Savings.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The doings at a meeting, April 14, 1852, and adjournment, made valid.

The elections made and other doings and proceedings had at a meeting of the members of the Worcester County Institution for Savings, on the fourteenth day of April, in the year one thousand eight hundred and fifty-two, and at an adjourned meeting of said members of said institution, on the twenty-first day of said April, are hereby declared valid in the same manner as they would have been, had said meetings been notified according to law. [*Approved by the Governor, May 18, 1852.*]

An Act in addition to an act entitled "An Act to authorize the business of Banking." *Chap. 236*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any number of persons not less than ten, may become a body corporate, in pursuance of the act entitled "An Act to authorize the business of Banking," passed in the year one thousand eight hundred and fifty-one. Number not less than ten.

SECT. 2. No banking corporation organized under said act shall circulate bills exceeding its capital stock in amount, nor be taxed upon that part of its capital stock invested and transferred to the auditor, in pursuance of the seventh section of said act: *provided, however,* that the proportion of the capital of any bank, thus exempted from taxation, shall in no case exceed three fourths of said capital. *[Approved by the Governor, May 18, 1852.]* No corporation under banking act of 1851 shall circulate more than its capital stock. Part of stock not taxed.

An Act concerning the New Bedford and Taunton Railroad Company. *Chap. 237*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The New Bedford and Taunton Railroad Company is hereby authorized to increase the capital stock of said company one hundred thousand dollars, the same to be divided into shares of one hundred dollars each. *[Approved by the Governor, May 18, 1852.]* May increase capital stock \$100,000.

An Act concerning the Powers of County Commissioners. *Chap. 238*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever two or more towns are required by law to maintain, or keep in repair, any bridge upon any highway or town way, and shall differ as to the mode or time of doing the same, the county commissioners of any county in which either of said towns is situated, may, upon the application of such town, and after a hearing upon due notice to all parties interested, pass all such orders concerning the maintenance or repair of any such bridge as in their opinion the public good may require. When several towns are required to maintain a bridge, county commissioners may decide differences.

SECT. 2. All orders passed by the county commissioners after a hearing as aforesaid, shall be final upon the parties, and shall be enforced in the same manner as orders by the county commissioners are now by law enforced. Such decisions to be final.

When all the towns are not in same county.

SECT. 3. Whenever all of the towns required by law to maintain or repair any such bridge are not in the same county, the county commissioners of that county in which either of the said towns is situated, to whom application shall be first made, shall have exclusive jurisdiction of the subject matter of such application. [*Approved by the Governor, May 18, 1852.*]

Chap. 239

An Act to incorporate the Chelmsford Agricultural Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

In town of Chelmsford, with usual powers, &c.

SECT. 1. John C. Bartlett, Asa Hodgman, 2d, and Edwin H. Warren, their associates and successors, are hereby made a corporation, by the name of the Chelmsford Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums, and other means, in the town of Chelmsford, in the county of Middlesex; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, of other incorporated agricultural societies in this Commonwealth. [*Approved by the Governor, May 18, 1852.*]

Chap. 240

An Act concerning the Attendance of Children at School.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Children must attend school at least twelve weeks of the year.

SECT. 1. Every person who shall have any child under his control, between the ages of eight and fourteen years, shall send such child to some public school within the town or city in which he resides, during at least twelve weeks, if the public schools within such town or city shall be so long kept, in each and every year during which such child shall be under his control, six weeks of which shall be consecutive.

For violation, \$20.

SECT. 2. Every person who shall violate the provisions of the first section of this act shall forfeit, to the use of such town or city, a sum not exceeding twenty dollars, to be recovered by complaint or indictment.

School committee to inquire into violations and causes.

SECT. 3. It shall be the duty of the school committee in the several towns or cities to inquire into all cases of violation of the first section of this act, and to ascertain of the persons violating the same, the reasons, if any, for such violation, and they shall report such cases, together with such reasons, if any, to the town or city in their annual report; but they shall not report any cases such as are provided for by the fourth section of this act.

SECT. 4. If, upon inquiry by the school committee, it shall appear, or if upon the trial of any complaint or indictment under this act it shall appear, that such child has attended some school, not in the town or city in which he resides, for the time required by this act, or has been otherwise furnished with the means of education for a like period of time, or has already acquired those branches of learning which are taught in common schools, or if it shall appear that his bodily or mental condition has been such as to prevent his attendance at school, or his acquisition of learning for such a period of time, or that the person having the control of such child, is not able, by reason of poverty, to send such child to school, or to furnish him with the means of education, then such person shall be held not to have violated the provisions of this act.

Attendance at any school in or out of town, no violation.

SECT. 5. It shall be the duty of the treasurer of the town or city to prosecute all violations of this act. [Approved by the Governor, May 18, 1852.]

Treasurer to prosecute.

An Act concerning Inventories in the Courts of Probate.

Chap. 241

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All inventories returned by administrators, executors, guardians, or trustees may be sworn to by said administrators, executors, guardians, or trustees before the registers of probate for the respective counties in which the same are returnable ; and such oath may be administered at all times, either in or out of the probate court, and shall have the same effect as if administered in court by the judge of probate.

May be sworn to before registers of probate at any time.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 18, 1852.]

Takes effect.

An Act concerning the State Prison at Charlestown.

Chap. 242

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The warden of the State prison is hereby authorized and empowered to appoint two officers as turnkeys in addition to the number now authorized by law.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 18, 1852.]

Chap. 243

An Act to incorporate the Massapoag Spring Hotel Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May erect public house in Groton.

Powers, restrictions, &c., as in 44th chapter R. S.

May hold real and personal property to \$30,000.

No shares to be issued for less than par value.

No intoxicating drinks to be sold.

Act void by violation.

SECT. 1. Benjamin Webb, Daniel R. Bowker, their associates and successors, are hereby made a corporation by the name of the Massapoag Spring Hotel Company, for the purpose of erecting in the town of Groton, buildings necessary and convenient for a public house, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold such real and personal property as may be necessary and convenient for the purposes aforesaid, not exceeding in amount thirty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. And if any ardent spirits or intoxicating drinks of any kind whatever shall be sold by said company, or by its agents, or any persons in its employ, or its lessees, with consent of said company, in any of said buildings or premises appertaining thereto, then this act shall be void. [*Approved by the Governor, May 18, 1852.*]

Chap. 244

An Act to incorporate the East Boston Ferry Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporated for twenty years.

Ferry between Boston and East Boston.

Company shall furnish accommodation, and receive tolls, &c.

SECT. 1. Samuel Hall, Noah Sturtevant, Daniel D. Kelley, Samuel S. Lewis, Albert Thorndike, William C. Barstow, their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the East Boston Ferry Company, for the purpose of establishing and supporting a ferry between the main land in the city of Boston and the island of East Boston, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said company shall be bound to furnish all such accommodation for the transportation of persons, horses, cattle, carriages, wagons, goods, and merchandise, as the mayor and aldermen of the city of Boston for the time being shall from time to time consider that the public convenience requires, and shall be allowed to collect and

receive such tolls as the said mayor and aldermen shall determine: *provided*, however, that the rates of ferriage shall never be so much reduced as to reduce the yearly dividends of said company to an amount less than eight per cent. on the amount of capital stock actually invested. *Proviso.*

SECT. 3. Said company may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of three hundred thousand dollars, to be divided into shares not exceeding one hundred dollars each: *provided*, that no shares shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. *May hold real estate \$300,000. No shares issued under par.*

SECT. 4. No person shall, directly or indirectly, hold or own more than fifty thousand dollars of the amount of the capital stock: and every stockholder shall have a right to vote at all meetings of said company, and be entitled to as many votes as he has shares: *provided*, that no stockholder shall be entitled to more votes than are equal in number to one fifteenth part of the whole number of shares. *No person shall own more than \$50,000 of capital stock. Proviso.*

SECT. 5. The immediate government and direction of the affairs of said company shall be vested in a board of not less than five directors, who shall be chosen by the stockholders annually, and shall hold their offices until others shall be duly elected in their places. *Government to be vested in a board of directors, chosen annually.*

SECT. 6. The directors of said company shall, from year to year, in the month of January, make a return to the said mayor and aldermen, under oath, of their acts and doings, receipts and expenditures, specifying the several items making up said expenditures; and their books shall at all times be open to the inspection of any committee of the said mayor and aldermen, appointed for that purpose; and if the directors of said company shall refuse or neglect to make such returns, they shall for every such refusal or neglect forfeit a sum not exceeding five hundred dollars, to be recovered in an action of debt by the city of Boston, for its own use. *Make annual returns to mayor and aldermen. Fine, \$500, for neglect.*

SECT. 7. Nothing in this act shall be construed to take from the said mayor and aldermen the power which they now have by virtue of the twenty-sixth chapter of the Revised Statutes, to license any person or persons as ferrymen from the main land in the city of Boston to the island of East Boston, whenever they may consider the public convenience or necessity to require it. *Mayor and aldermen may continue to license any ferryman.*

SECT. 8. Said company may purchase or otherwise take any land necessary for the purpose of said ferry: *provided*, said ferry shall not be located north of the north line of Battery wharf; and if they shall not be able to obtain such land by an agreement with the owner thereof, they shall *Company may purchase or take land. Proviso.*

Damages to be estimated by mayor and aldermen.

pay therefor such damages as shall be estimated and determined by the said mayor and aldermen; and either party, if dissatisfied with any estimate made by the said mayor and aldermen, may apply for a jury to the court of common pleas, next to be held within the county of Suffolk, after the said estimate is made known to the parties; and thereupon the same proceedings shall be had as in case of estimating and enforcing payment of damages for laying out ways within the said city of Boston: *provided*, said company shall not have power to take any property of the proprietors of the present ferry now held and used by them for maintaining a ferry from Boston to East Boston, without the consent of said proprietors.

Company shall not take property of present ferry.

City of Boston may purchase franchise, &c., as specified.

SECT. 9. The city of Boston, by a vote of the city council, may, at any time during the continuance of the charter of said company, purchase of the said company the said ferry, and all the franchise, property, rights, and privileges of the said company, by paying them therefor such a sum as will reimburse them the amount of capital paid in, with a net profit thereon, as may be agreed upon, not exceeding ten per cent. per annum from the time of the payment thereof by the stockholders to the time of such purchase.

City may issue "Boston Ferry Scrip," \$500,000, with lawful interest.

SECT. 10. For the purpose of making the purchase aforesaid, the city council of the city of Boston shall have authority to issue, from time to time, notes, scrip, or certificates of debt, to be denominated on the face thereof "*Boston Ferry Scrip*," to an amount not exceeding in the whole the sum of five hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than forty years from the issuing of the said scrip, notes, or certificates respectively. And the said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, on such terms and conditions as the said city council shall judge proper. All notes, scrip, and certificates of debt to be issued as aforesaid, shall be signed by the treasurer and auditor, and countersigned by the mayor of the said city, and a record of all such notes, scrip, and certificates shall be made and kept by the said treasurer and auditor respectively.

Principal payable within forty years.

Scrip, &c., to be signed by treasurer, auditor, and mayor, and recorded.

Whenever Boston shall purchase said ferry, the rights, powers, shall be transferred.

SECT. 11. Whenever said city of Boston shall purchase said ferry of said company, all the rights, powers, and authority given to said company by this act shall be vested in and exercised by said city of Boston, subject to all the duties, liabilities, and restrictions herein contained, in such manner, and by such agents, officers, and servants as the

said city council shall from time to time ordain, appoint, and direct. And said city of Boston shall have the right to collect and receive the same rates of toll as are allowed by the second section of this act to said company: *provided*, that whenever the tolls collected on said ferry shall be sufficient to reimburse the said city of Boston for the cost of said ferry, with such a per cent. interest, annually, as said city of Boston pays on said "Boston Ferry Scrip," and for all the expenses of the repairs and additions to said ferry, and all current and incidental expenses of its superintendence and management, and to provide such a fund as the said city council may regard sufficient for the future support of said ferry, then the tolls on said ferry shall cease, and said ferry shall ever after be maintained by said city of Boston as a free ferry: *provided, also*, that the said city council shall have the power and authority to reëstablish such rates of toll on said ferry as may be sufficient to pay the current and incidental expenses of the superintendence and management thereof, whenever the fund aforesaid shall be found insufficient for its support. And that the income, rents, and receipts of said ferry, after deducting all expenses and charges of support and maintenance, shall be set apart as a sinking fund, and shall be appropriated for and towards the payment of the principal and interest of said scrip, and for the accumulation of the fund aforesaid, and shall, under the management, control, and direction of the mayor, treasurer, and auditor of said city, or the major part of them for the time being, who shall be trustees of the said fund, be applied solely to the use and purpose aforesaid. And the said trustees shall, whenever thereto required by said city council, render a just, true, and full account to the said city council of all their receipts, payments, and doings under the provisions of this section.

Boston may receive same tolls, &c., but when tolls collected shall be sufficient, &c.,

Tolls shall cease, and ferry be free.

City may re-establish tolls when necessary.

Trustees, whenever required by city council, shall render a full account.

SECT. 12. If the said ferry shall not be established and opened for public use within five years from the passage of this act, then this act shall be void.

If ferry not established in five years, act to be void.

SECT. 13. The first meeting of said corporation shall not be called unless the notice for the same shall be signed by the majority of the persons named in this act of incorporation. [*Approved by the Governor, May, 18, 1852.*]

First meeting how called.

Chap. 245 An Act in addition to an Act concerning Arrests for Offences committed on the Lord's Day.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The provisions of the two hundred and forty-sixth chapter of the acts passed in the year one thousand eight hundred and fifty-one, shall be extended to the offences therein provided against, whenever committed in the night time. [Approved by the Governor, May 18, 1852.]

Chap. 246

An Act concerning Agricultural Societies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Funds in real estate shall be so vested as to entitle societies to receive bounty of Commonwealth.

So much of the funds of incorporated agricultural societies as shall be invested in real estate, buildings, and appurtenances, for the use and accommodation of said societies, shall be held to be so invested as to entitle them to receive the bounty of the Commonwealth in the same manner as if put at interest, as provided in the first section of the forty-second chapter of the Revised Statutes. [Approved by the Governor, May 18, 1852.]

Chap. 247

An Act further to guard against the Explosion of Steam-Boilers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Manufacturing or using, in this Commonwealth, without the safety plug, shall be fined not exceeding \$1000.

SECT. 1. If any person or corporation shall manufacture, set up, or knowingly use, or cause to be used, in this Commonwealth, a steam-boiler unprovided with the safety plug, as described in the first section of "An Act to prevent the Explosion of Steam-Boilers," passed in the year one thousand eight hundred and forty-nine, such person, or corporation, so offending, shall be punished by a fine not exceeding one thousand dollars.

Acts inconsistent repealed.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed. [Approved by the Governor, May 18, 1852.]

An Act concerning the Powers of Guardians.

Chap. 248

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every guardian appointed under the provisions of the seventy-ninth chapter of the Revised Statutes, is hereby authorized to make partition of the real estate of his ward, when lying in common and undivided, as fully and in like manner as the ward could do, were he under no disability.

Guardians not interested authorized to make partition of real estate of their wards.

SECT. 2. Nothing in this act, or in the nineteenth section of the seventy-ninth chapter of the Revised Statutes, shall be construed to confer any power upon the guardian, when he has an interest in the estate to be divided, adverse to that of the ward. [Approved by the Governor, May 18, 1852.]

An Act to establish an additional Term of the Probate Court in the County of Plymouth.

Chap. 249

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

A court of probate shall be holden in the town of Bridgewater, within and for the county of Plymouth, on the last Tuesday of February in each year. [Approved by the Governor, May 18, 1852.]

Last Tuesday of February.

An Act concerning the proprietors of the Boston Pier, otherwise called the Long Wharf, in the Town of Boston.

Chap. 250

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That the proprietors of Boston pier, otherwise called the Long wharf, in the town of Boston, now the city of Boston, may increase the number of shares into which they were authorized to divide their estate, stock, and property, by the act relating to said Boston pier, approved March second, in the year one thousand eight hundred and twenty-six, by such number of shares as may be convenient: provided, the par value thereof shall not be less than one hundred dollars each.

Proprietors may increase number of shares as convenient.

Par value be not less than \$100.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 18, 1852.]

Takes effect.

Chap. 251

An Act concerning the Agricultural Branch Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time to file location extended to May 7, 1853,

and time to complete extended to May 7, 1855.

SECT. 1. The time within which the Agricultural Branch Railroad Company may file the location of that portion of its railroad between Framingham and Northborough, is hereby extended to the seventh day of May, eighteen hundred and fifty-three; and the time within which said company may complete the aforesaid portion of its road, is also extended to the seventh day of May, eighteen hundred and fifty-five. [*Approved by the Governor, May 18, 1852.*]

Chap. 252

An Act to incorporate the Commercial Telegraph Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Lines from Boston to Springfield, connecting with other places.

Powers, duties, &c., as in 44th ch. R. S., and in act of 1849.

Capital stock \$100,000.

No shares issued for less than par value.

Takes effect.

SECT. 1. James Sturgis, E. D. Brigham, J. W. Clark, their associates and successors, are hereby made a corporation by the name of the Commercial Telegraph Company, for the purpose of constructing, maintaining, and using lines of telegraph within this Commonwealth, from Boston to Springfield, and connecting the same with any other lines of telegraph which may have been or may hereafter be constructed, and for extending the same to the city of New York, and also from Boston to Providence, in the State of Rhode Island, and thence to New York, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in an act approved the ninth day of April, in the year one thousand eight hundred and forty-nine, entitled "An Act concerning Electric Telegraph Companies and Electric Telegraphing."

SECT. 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, and no shares shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 18, 1852.*]

An Act to secure the title of the Commonwealth to Flats or Lands in the Back Bay in Boston Harbor. *Chap. 253*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The title of the Commonwealth, as owner thereof in fee, to all the flats or lands within the two basins in the Back Bay, so called, below the ordinary line of riparian ownership, from which the natural flow of the tides in Boston harbor has been cut off by dams or otherwise, and also to the flats below said line, within two hundred feet north of the main dam leading from Boston to Brookline, is hereby asserted and declared; and no adverse possession or occupation thereof by any individuals or corporations, for any period of time, shall be sufficient to defeat or divest the title of the Commonwealth therein.

Description of lands in Boston harbor claimed by the Commonwealth.

SECT. 2. The provisions of the twelfth section of the one hundred and nineteenth chapter of the Revised Statutes shall not be held to apply to any of the lands or flats described in the foregoing section; but the provisions of said section are, with respect to said lands or flats, hereby repealed. [*Approved by the Governor, May 20, 1852.*]

12th sect of ch. 119 R. S., relating to said flats, repealed.

An Act in addition to the Act to Punish Abduction.

Chap. 254

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any person who shall fraudulently and deceitfully entice or take away any unmarried female, under the age of sixteen years, from her father's house, or wherever else she may be found, without the consent of the parent, guardian, or master (if she have any) under whose care and custody she is living, for the purpose of effecting a clandestine marriage of such female without such consent, shall be punished by confinement to hard labor in the State prison for a term not exceeding one year, or by fine not exceeding one thousand dollars, or by both fine and imprisonment in the common jail, in the discretion of the court. [*Approved by the Governor, May 20, 1852.*]

Abduction of females under sixteen.

Punish by imprisonment, and fine, or both.

Chap. 255

An Act to incorporate the Cambridge Water-Works.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Estes Howe, Gardiner G. Hubbard, Moses M. Rice, their associates and successors, are hereby made a corporation by the name of the Cambridge Water-Works, for the purpose of supplying the city of Cambridge with water, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers, duties, &c., as in chs. 38 and 44 R. S.

City may purchase corporate rights, &c.

SECT. 2. The city of Cambridge may at any time during the continuance of the charter hereby granted, purchase the corporate property, and all the rights and privileges of the said corporation at such price as may be agreed upon between the said parties, and in case of disagreement, the supreme judicial court, upon application by either party, shall be authorized to appoint three commissioners to settle such disagreement.

In case of disagreement.

Corporation, with consent, may open ground, &c., for conducting water.

SECT. 3. The said corporation, with the consent of the mayor and aldermen of the city of Cambridge, shall have power and authority to open the ground in any part of the streets, lanes, and highways in the said city, for the purpose of conducting and distributing water through the said city. And the said corporation, after opening the ground as aforesaid, shall be held to put the same into repair under the penalty of being prosecuted as a nuisance: *provided*, that the said mayor and aldermen for the time being shall at all times have the power to regulate, restrict, and control the acts and doings of said corporation which may in any manner affect the health, safety, or convenience of the inhabitants of said city.

Mayor and aldermen may control acts and doings.

Corporation may hold real estate of \$100,000; whole capital stock not exceeding \$500,000.

SECT. 4. The said corporation may, for the purposes aforesaid, hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars.

Takes effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

Chap. 256

An Act in regard to Appraisers of Real Estate taken on Execution.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

When judgment debtor is absent or neglects to ap-

If at the time of appointing of appraisers of real estate taken in execution, the judgment debtor shall be absent from the Commonwealth, or not a resident therein, and

shall have no agent or attorney known to the officer, or shall neglect to appoint an appraiser, the officer shall appoint one for him, and shall state the above facts in his return or certificate, as the reasons why he appointed an appraiser for the debtor. And no levy heretofore made shall be void by reason of the officer's having appointed an appraiser for the judgment debtor, if it shall be made to appear at any trial that the debtor, at the time of appointing the appraisers, was absent from the Commonwealth, and not a resident therein, and had no agent or attorney therein known to the officer, and did not appoint an appraiser for himself. [*Approved by the Governor, May 20, 1852.*]

point appraiser, officer may appoint one for him.

An Act to incorporate the New England Emigration Company.

Chap. 257

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. J. V. C. Smith, Patrick Donahoe, and S. O. Dearborn, their associates and successors, are hereby made a corporation by the name of the New England Emigration Company, for the purpose of aiding emigrants and others in moving to the west, by furnishing them with means and facilities for emigrating and procuring lands, tenements, and the appurtenances necessary for cultivating the lands, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in the fourth, ninth, and tenth sections of the act entitled "An Act relating to Joint-Stock Companies," passed in the year one thousand eight hundred and fifty-one.

Corporators.

Purpose of aiding emigrants to move west.

Powers, liabilities, &c., chs. 38 and 44 R. S., and in act of 1851.

SECT. 2. Said corporation may hold real estate to the value of twenty-five thousand dollars, of which amount there may be real estate to the value of ten thousand dollars, situated in Boston, in this Commonwealth, the remainder to be situated in one or more of the western States; and the capital stock of said corporation shall not exceed fifty thousand dollars: *provided*, that they shall not sell lands at any higher price than the maximum government price, and they shall make report of the receipts and expenditures annually to the secretary of this State.

May hold \$25,000 real estate.

Capital stock \$50,000.

Shall not sell higher than government price.

SECT. 3. The place of business of said corporation shall be located and established in the city of Boston, and no shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Boston, place of business.

No shares less than par value.

SECT. 4. The net profits of the corporation shall be expended in transporting emigrants to the western States,

Net profits, how expended.

and defraying their expenses until they are in a situation to sustain themselves without such aid.

Takes effect. SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, May 20, 1852.]

Chap. 258 An Act in addition to An Act concerning Juvenile Offenders in the City of Lowell.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Courts may sentence juvenile offenders to Lowell institution for reformation as well as reform school.

In addition to the authority given by the act entitled An act concerning Juvenile Offenders in the city of Lowell, passed in the year one thousand eight hundred and forty-five, to the courts in said act named, said courts may sentence juvenile offenders resident in said Lowell, to the Lowell institution for the reformation of juvenile offenders, in the same manner, and for the same causes, and time, and upon the same conditions, for, and upon which, juvenile offenders may, by the one hundred and sixty-fifth chapter of the acts of the year one thousand eight hundred and forty-seven, be sentenced to the State reform school. [Approved by the Governor, May 20, 1852.]

Chap. 259 An Act to punish the crimes of Treason, Rape, and Arson.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Treason, State prison for life. SECT. 1. Every person who shall commit the crime of treason against this Commonwealth shall be punished by imprisonment in the State prison for life.

Rape, State prison for life. SECT. 2. Every person who shall ravish and carnally know any female of the age of ten years, or more, by force and against her will, or shall unlawfully and carnally know and abuse any woman child under the age of ten years, shall be punished by imprisonment in the State prison for life.

Arson, State prison for life. SECT. 3. Every person who shall wilfully and maliciously burn, in the night time, the dwelling house of another, or shall set fire to any other building, by the burning whereof such dwelling house shall be burnt in the night time, shall be punished by imprisonment in the State prison for life.

These crimes not bailable. SECT. 4. Nothing in this act shall be construed to make any crime herein mentioned bailable, otherwise than it would have been before the passage of this act. [Approved by the Governor, May 20, 1852.]

An Act to extend the time for locating the Union Railroad.

Chap. 260

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time for locating and completing the Union Railroad, as provided in the act incorporating the Union Railroad Company, passed May tenth, in the year one thousand eight hundred and forty-eight, is hereby extended two years from the passage of this act. *[Approved by the Governor, May 20, 1852.]*

Extended two years.

An Act to amend the charter of the City of Lowell.

Chap. 261

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The charter of the city of Lowell is hereby amended in the following particulars, viz.: the seventh section of said charter shall be amended by striking out of said section the words, "who shall be *ex officio* members of the school committee," and the twentieth section of said charter shall be amended by striking out of said section the words, "one person, being also an inhabitant of said ward, to be a member of the school committee," and substituting instead of the words so stricken out, the words following, viz.: three persons being also inhabitants of said ward, who, with the mayor, and president of the common council, shall constitute the school committee.

Parts of sections seven and twenty struck out.

School committee, how constituted.

SECT. 2. This act shall not go into effect until it shall be accepted by a majority of votes cast by the legal voters of the city of Lowell, qualified to vote for city officers, on the question of its acceptance at meetings to be called for that purpose, in their respective wards, within sixty days after the passage of the act: and it shall be the duty of the mayor and aldermen of said city to call such meetings of the said citizens, within the time aforesaid for the purpose aforesaid, and if they shall neglect said duty they shall be liable to a fine of one thousand dollars, to be recovered by indictment in any court proper to try the same. *[Approved by the Governor, May 20, 1852.]*

Act to take effect when accepted by legal voters.

Mayor and aldermen to call such meetings.

Fine for neglect, \$1000.

An Act in addition to An Act to provide for the Adoption of Children.

Chap. 262

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Section second of chapter three hundred and twenty-four, of the acts of one thousand eight hundred and

Section second of chapter 324 of acts of 1851 amended.

fifty-one, is hereby so amended, that if there be no mother of such child, and the father shall be imprisoned in the State prison or house of correction for a term of three years or upwards, the consent to such adoption may be given by the legal guardian of such child. [*Approved by the Governor, May 20, 1852.*]

Chap. 263 An Act in addition to "An Act to incorporate the Trustees of the Tufts College."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All the provisions of chapter one hundred forty-one of the acts of the year one thousand eight hundred and fifty-two, entitled "An Act to incorporate the Trustees of the Tufts College," shall apply and remain in full force, if the said college shall be established in the town of Somerville, in the same manner as if established in the town of Medford, as contemplated in said act. [*Approved by the Governor, May 20, 1852.*]

Chap. 264 An Act to incorporate the Ashburton House Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Henry Plympton, George A. Doane, George Passarow, their associates and successors, are hereby made a corporation by the name of the Ashburton House Company, for the purpose of erecting and maintaining a public house in the county of Suffolk, to be called the Ashburton House; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purpose aforesaid, not exceeding in amount five hundred thousand dollars: *provided*, that no shares in the capital stock thereof shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

SECT. 3. If any ardent spirits or intoxicating drinks of any kind whatever, shall be sold by said corporation, or by their agents or lessees, or by persons in their employ in said house, then this act shall be void.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

An Act to incorporate the Franklin Mutual Fire Insurance Company. *Chap. 265*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Nathaniel Ingalls, Isaac Brown, David S. Neal, their associates and successors, are hereby made a corporation by the name of the Franklin Mutual Fire Insurance Company, in the city of Lynn, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent acts relating to mutual fire insurance companies. Corporators. Purpose. Powers, duties, liabilities, as in chapter 37 and 44 R. S.
[Approved by the Governor, May 20, 1852.]

An Act in relation to the City of Boston.

Chap. 266

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The board of aldermen of the city of Boston shall, commencing with the ensuing municipal year, consist of twelve persons; and the legal voters of each ward shall be annually called upon to give in their votes for one person, being an inhabitant of said ward, to be a member of said board of aldermen, to be chosen in the same form and manner, and at the same time as now provided by law for the election of members of the common council. Twelve aldermen, one from each ward, chosen at same time and manner as common council.

SECT. 2. The legal voters of each ward of said city shall, commencing with the ensuing municipal year, be annually called upon to vote for two assistant assessors, who shall be inhabitants of said ward, and who shall be chosen in the same manner and form, and at the same time as is provided in the foregoing section for the election of aldermen. Two assistant assessors in each ward.

SECT. 3. Whenever the mayor and aldermen of the city of Boston shall adjudge that the public safety and convenience require that any street, lane, or alley in the said city shall be laid out, altered, or discontinued, they shall make and record an estimate of the expense thereof, and if such estimate shall exceed the sum of five thousand dollars, or if such estimate with the estimates of any previous alteration or discontinuance of any part of such street, lane, or alley, during the municipal year, shall exceed the sum of five thousand dollars, the order for such laying out, alteration, or discontinuance, together with an estimate of the expense How streets, lanes, &c., are to be laid out, altered, &c. When over \$5000, concurrence of common council required.

thereof, shall be sent to the common council for its concurrence or rejection; and such order shall not take effect or be in force until the common council shall concur therein.

Proceedings
when public
buildings are
to be erected.

SECT. 4. No erection, alteration, or repair of any court-house, jail, house of correction, fire-proof office, or any other building, for the purposes of the county of Suffolk, shall be made by the mayor and aldermen of the said city, except as herein provided, to wit: whenever the mayor and aldermen shall by vote declare that such erection, alteration, or repair is necessary or expedient, they shall make and record an estimate of the expense thereof, and if such estimate shall exceed the sum of five thousand dollars, a copy of the said vote and estimate shall be sent to the common council for its concurrence, rejection, or amendment; and all acts or parts of acts inconsistent with this act are repealed.

Not to take
effect till ac-
cepted by legal
voters.

SECT. 5. The first four sections of this act shall not go into effect unless they be approved by a majority of the legal voters of the city of Boston, voting thereon, severally, by yea and nay ballot, in their respective wards, at the annual election of State officers in November next; and the mayor and aldermen of the said city shall insert in the warrant for the aforesaid election an article submitting the aforesaid question to the decision of the said legal voters of the city of Boston. [Approved by the Governor, May 20, 1852.]

Chap. 267 An Act in addition to an Act to establish the office of Assistant Clerk of the Courts in the County of Middlesex.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Salary \$1200.

SECT. 1. The assistant clerk of the courts in the county of Middlesex shall receive for his services as assistant clerk of said courts, the sum of twelve hundred dollars a year, to be retained and paid to him by the clerk of said courts, from the residue of fees which he is now required to pay to the county treasurer.

SECT. 2. So much of the act to which this is in addition, as is inconsistent with this act, is hereby repealed.

Takes effect.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 20, 1852.]

Chap. 268 An Act concerning the Triton Mutual Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Triton Mutual Marine Insurance Company, in the city of Boston, in addition to the powers

and privileges already granted to it by law, may make insurance, on the mutual principle, against losses by fire; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating to mutual fire insurance companies.

May insure, on mutual principle, against losses by fire. Powers, &c., as in chapter 37, R. S.

SECT. 2. If said company shall file a notice of its acceptance of its act of incorporation, passed on the thirtieth of April, one thousand eight hundred and fifty-one, with the secretary of the Commonwealth, within thirty days after the passage of this act, it shall be deemed to have fully complied to all intents and purposes with the provisions of the twenty-first chapter of the act of the year one thousand eight hundred and forty-two, entitled An Act concerning Insurance Companies.

If said company accept act of 1851, in 30 days, it will be deemed full compliance, &c.

SECT. 3. Said company shall hereafter be known and called by the name of the Triton Insurance Company.

SECT. 4. This act shall take effect on and after its acceptance by a vote of a majority of the members of said company, present and voting at a legal meeting called for that purpose. [Approved by the Governor, May 20, 1852.]

Takes effect.

An Act relating to the Treasurer of the State Lunatic Hospital.

Chap. 269

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The report of the treasurer of the State Lunatic Hospital, now required by law to be made annually to the governor and council, shall hereafter be made to the trustees of the said hospital, at their annual meeting, in the month of December; and the said trustees shall audit the same and transmit it with their annual report to the governor and council.

Annual report of treasurer to be made to trustees.

SECT. 2. The accounts and books of the said treasurer shall at all times be open to the inspection of said trustees. [Approved by the Governor, May 20, 1852.]

Books open to trustees.

An Act to incorporate the Middleborough House.

Chap. 270

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Philander Washburn, Peter H. Pierce, George Waterman, their associates and successors, are hereby made a corporation by the name of the Middleborough House,

Corporators.

Public house in Middleborough.
Powers, &c.

for the purpose of erecting in the town of Middleborough, buildings necessary and convenient for a public house, with all the powers and privileges, and subject to all the liabilities, duties, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

May hold real and personal estate.

SECT. 2. Said corporation may hold such real and personal property as may be necessary and convenient for the purposes aforesaid, not exceeding in amount twenty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. And if any ardent spirits, or intoxicating drinks of any kind whatever, shall be sold by said company, or by agents, lessees, or persons in its employ, in any of said buildings, then this act shall be void. [*Approved by the Governor, May 20, 1852.*]

No shares issued less than par value.

No intoxicating drinks.

Chap. 271

An Act to incorporate the “Sailors’ Snug Harbor of Boston.”

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. P. Greely, Jr., R. B. Forbes, Josiah Bacon, their associates and successors, are hereby made a corporation, by the name of the Sailors’ Snug Harbor of Boston, for the purpose of relieving and supporting decrepit, infirm, or aged sailors; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose, relieving, &c., infirm sailors.
Powers, liabilities, &c.

SECT. 2. Said corporation may receive and take by purchase, grant, devise, bequest, or donation, any real or personal property, and hold the same for the purposes aforesaid, and may manage and dispose of the same according to their discretion: *provided*, that the whole amount of real and personal property held and possessed by said corporation shall not exceed in value, at any one time, the sum of fifty thousand dollars. [*Approved by the Governor, May 20, 1852.*]

May receive real or personal property.

Whole property not to exceed \$50,000.

Chap. 272

An Act in addition to “An Act to authorize the organization of the Serpentine Paint and Fire-Brick Company.”

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter amended.

SECT. 1. The charter of the Serpentine Paint and Fire-Brick Company is hereby so amended as to authorize the said company to establish their manufactory either in the town of Chester or the city of Springfield.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

An Act to incorporate the Roger Sherman Hotel Company.

Chap. 273

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles Porter, J. R. Nichols, James E. Ames, their associates and successors, are hereby made a corporation, by the name of the Roger Sherman Hotel Company, for the purpose of erecting in the town of Haverhill, build- In Haverhill.
ings necessary and convenient for a public house, with all Powers, liabilities, &c., as
the powers and privileges, and subject to all the duties, lia- in chapter 44
bilities, and restrictions, set forth in the forty-fourth chapter Revised Stat-
of the Revised Statutes. utes.

SECT. 2. Said corporation may hold such real and per- May hold real
sonal property as may be necessary and convenient for the and personal
purposes aforesaid, not exceeding in amount sixty thousand property.
dollars : *provided*, that no shares in the capital stock of said No shares less
corporation shall be issued for a less sum or amount, to be than par value.
actually paid in on each, than the par value of the shares
which shall be first issued.

SECT. 3. If any ardent spirits or intoxicating drinks of No intoxica-
any kind whatever shall be sold by said company, or by ting drinks.
their agents, lessees, or persons in their employ, in any of
said buildings, then this act shall be void. [*Approved by
the Governor, May 20, 1852.*]

An Act concerning Persons under Sentence of Death.

Chap. 274

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. When any person shall be convicted of any Persons sen-
crime punishable with death, and sentenced to suffer such tenced to death
punishment, he shall, at the same time, be sentenced to shall first be
hard labor in the State prison, until such punishment of sentenced to
death shall be inflicted. hard labor one
year in State
prison.

SECT. 2. And no person so imprisoned shall be executed Proceedings
in pursuance of such sentence within one year from the day previous to
such sentence of death was passed, nor until the whole re- death.
cord of such proceedings or case shall be certified by the
clerk of the court which passed the sentence, under the seal
thereof, to the governor, nor until a warrant shall be issued
by the governor, with advice of the council, under the great
seal, with a copy of the record thereunto annexed, com-

manding the sheriff of the county in which the trial was had, to cause execution to be done.

Clerk of court shall certify, &c.

SECT. 3. The clerk of the court which passed the sentence shall certify the record of the proceedings, or case, under the seal of said court, to the governor, within one month after such sentence is passed; and if said clerk shall neglect so to certify such record, he shall be liable to a penalty of one thousand dollars, to be recovered by indictment in any court competent to try the same.

Penalty for neglect.

Takes effect.

SECT. 4. This act shall have no effect in any case now pending. [*Approved by the Governor, May 20, 1852.*]

Chap. 275 An Act in relation to Paupers having no settlement in this Commonwealth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Three commissioners to select sites for building three alms-houses.

SECT. 1. His excellency the governor, with the advice and consent of the council, is hereby authorized and empowered to appoint a board of three commissioners, who shall select and purchase three sites for the purpose of erecting on each of them a building which shall be sufficient for the accommodation of five hundred inmates, a superintendent and his family, and all necessary subordinate officers; one of which sites shall be in the county of Middlesex or the county of Essex; one in the county of Bristol or the county of Plymouth, and one in some town of the Commonwealth west of the town of Brookfield.

Powers and duties of commissioners :
Furnish the buildings, employ agents.

SECT. 2. The said commissioners shall cause to be erected on each of said sites a building of the capacity aforesaid, and shall properly furnish the same, and shall also cause to be constructed such workshops, and make such other provision for labor in connection therewith, as they may deem proper, and may purchase as much land attached to said buildings as, in their opinion, may be usefully devoted to such purpose; and they shall have power to make all contracts and employ all agents necessary to carry into effect the powers hereinbefore granted.

Governor to proclaim completion.

SECT. 3. After the completion of such buildings the governor, upon being notified of that fact by the said commissioners, shall issue his proclamation accordingly; and thereupon the several cities and towns in the Commonwealth shall have a right to send to one of said institutions, to be maintained at the public expense, all paupers not having a settlement within the Commonwealth, who are then receiving support from, or who may thereafter fall into, distress in said cities or towns; that is to say, the cities and towns in the counties of Suffolk, Middlesex, or

Cities and towns to send paupers.

Essex, may send such persons to the institution to be established as aforesaid in the county of Middlesex or the county of Essex; the cities and towns in the counties of Norfolk, Bristol, Plymouth, Barnstable, Nantucket, or Dukes county, to the institution to be established as aforesaid in the county of Bristol or the county of Plymouth; and the remaining cities and towns in the Commonwealth to the institution to be established as aforesaid in the western part of the Commonwealth.

SECT. 4. No city or town shall receive any payment or allowance from the Commonwealth for the expense of supporting any such pauper incurred more than thirty days after the issuing of such proclamation. No pay after thirty days.

SECT. 5. The governor, with the advice and consent of the council, shall appoint a superintendent of each of said institutions, whose salary shall be one thousand dollars per annum, and who shall receive no other compensation or perquisite for his services, excepting the right to reside with his family, in the building under his care; and it shall be his duty to receive all paupers sent as aforesaid with a proper certificate from the mayor of the city, or one of the overseers of the poor of the town from which they may be so sent, and to provide for them under such rules and regulations as shall be established in the manner hereinafter provided. Governor to appoint superintendent. Duty.

SECT. 6. The governor, with the advice and consent of the council, shall appoint for each of said institutions three inspectors, residing in the immediate vicinity thereof, respectively, who shall receive a salary of one hundred dollars each, whose duty it shall be to establish rules and regulations for the proper management and government of said institution, subject to the approval of the governor, and to see that all such rules and regulations are enforced. And each of said institutions shall be visited by one of said inspectors at least once in each week. Three inspectors. Duties.

SECT. 7. The said inspectors shall have the same power to bind as apprentices, minors who are inmates of the institution under their charge, the same authority in causing the inmates of said institution to be returned to the place or country from which they came, and the same authority in regard to the removal of lunatics to the State Lunatic Hospital, as is now vested in the overseers of the poor in the several cities and towns in the Commonwealth. May bind minors to apprenticeship. May return inmates.

SECT. 8. Each city and town shall be allowed, for the expense of transporting such paupers as aforesaid to said institutions, ten cents for each mile of the distance from said city or town to said institution; to be paid from the treasury of the Commonwealth upon the certificate of Expense of transporting paupers.

the superintendent of the institution where such pauper shall be received.

Penalty for leaving institution.

SECT. 9. If any inmate of either of said institutions, above the age of sixteen years, shall leave the same without the consent of the inspectors thereof, and shall, within one year from the time of such leaving, be found within any city or town of the Commonwealth soliciting public or private charity, he shall, upon complaint and proof thereof, before any police court or justice of the peace, be punished by confinement to hard labor in the house of correction for the county within which he shall be so found, for a term not exceeding three months.

Imprisonment.

Inspectors to audit all accts. of superintendents, and report to governor.

SECT. 10. It shall be the duty of the inspectors aforesaid to audit all the accounts of the superintendents of the said respective institutions; and to report to the governor and council in the month of December, annually, the state of the institution under their charge, and the expenses, in detail, of said institution for the year next preceding said report.

Commissioners to repair buildings on Rainsford's Island.

Expenses not to exceed \$5000.

Foreign paupers to be sent to one of the institutions.

SECT. 11. The said commissioners are hereby authorized to put the buildings belonging to the Commonwealth on Rainsford's Island, in the harbor of Boston, in a proper state of repair for the reception of sick persons, and for the accommodation of proper attendants: *provided*, however, that the expense of such repairs shall not exceed the sum of five thousand dollars. And after the issuing of his proclamation by the governor, as is hereinbefore provided, all foreign paupers arriving by water within the Commonwealth who cannot, on account of sickness, be removed to one of the institutions aforesaid, shall, during the continuance of such inability, be supported at said island; and the governor is hereby authorized, by and with the consent of the council, to appoint such officers and attendants, and to ordain and establish such rules and regulations for the government and supporting of the said paupers, and to establish such compensation for said officers and attendants, as he may think proper, until the further action in the premises of the Legislature.

Expenses may be paid by scrip, how, &c.

SECT. 12. To defray any expenses for the purchases, buildings, and repairs hereinbefore authorized, the treasurer of the Commonwealth is hereby empowered, under the direction of the governor, with the advice and consent of the council, to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding one hundred thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually, with warrants for the interest attached thereto, which scrip or

certificates shall be redeemable in twenty years from the date thereof, and shall be countersigned by the governor and be deemed a pledge of the faith and credit of the Commonwealth. And the said treasurer may, under the direction of the governor, dispose of any portion of said scrip at any price not less than its par value.

Treasurer may dispose of scrip, &c.

SECT. 13. Three thousand dollars annually shall be reserved from the amount received from alien passengers arriving in the Commonwealth, to constitute a sinking fund for the redemption of the scrip issued as hereinbefore authorized.

\$3000 to be reserved.

SECT. 14. The amount of expenses and liabilities for said purchases, buildings, and repairs, shall not exceed the amount of said scrip and the amount of premium received upon the sale thereof.

Amount of expenses not to exceed scrip.

SECT. 15. If said institutions are ready for the reception of inmates before the first day of February next, the governor is hereby authorized to draw his warrant upon the treasury for all expenses incurred in the support of such inmates until the said first day of February.

If institutions ready by 1st February governor may draw warrant for expenses.

SECT. 16. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

An Act to incorporate the Hampden Railroad Company.

Chap. 276

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Abner Post, James Fowler, Ira Yeamans, Jr., Matthew Ives, N. T. Leonard, their associates and successors, are hereby made a corporation by the name of the Hampden Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes, relating to railroad corporations, and in all statutes subsequently passed relating to railroad corporations.

Corporators.

Powers, restrictions, &c., 44 and 39 Revised Statutes.

SECT. 2. Said corporation may construct and maintain a railroad from some convenient point near the depot of the Western Railroad, in Westfield, thence on or near the line of the canal to the line of the State of Connecticut to some convenient point in the town of Granby.

Location and termini.

SECT. 3. The capital stock of said corporation shall consist of seventeen hundred and fifty shares, of one hundred dollars each, and no assessment shall be made thereon of a greater amount in the whole than one hundred dollars on each share; and no share in the capital stock of said corporation shall be issued for a less sum or amount, to be

Capital stock, 1750 shares, \$100 each; not to be assessed more than \$100 per share.

No share to be issued less than par value.

May hold necessary real and personal estate.

May unite with Western Railroad.

Location to be filed in two years, and railroad constructed in three years, or act void.

If any subscriber neglect to pay assessments, stock declared forfeited.

Construction not to be commenced till certificate filed.

Takes effect.

actually paid in on each, than the par value of the shares which shall be first issued; and the said corporation may purchase and hold such real estate, materials, engines, and cars, and other things, as may be necessary for depots for the use of said road, and for the transportation of persons, goods, and merchandise.

SECT. 4. Said corporation may enter upon and unite their railroad by proper turnouts and switches, with the Western Railroad, at some convenient point at or near the depot of said road in Westfield, and may use the same under the provisions and restrictions of the laws relating to railroads in this Commonwealth.

SECT. 5. If the location of said railroad shall not be filed according to law within two years, and if the said railroad shall not be constructed within three years from the passage of this act, this act shall be void.

SECT. 6. If any subscriber or shareholder shall refuse or neglect to pay the assessments as they become due, so far as is necessary to comply with the eighth section of this act, the directors may declare his stock forfeited, with the sums of money, if any, which have been paid on them, and assign the shares to some responsible person or persons, who are willing to subscribe for the same.

SECT. 7. The said corporation shall not commence the construction of their road, or any part thereof, until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of the said company, and a majority of the directors thereof, stating that all of the stock named in their charter has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share of the stock thereof has been actually paid into the treasury of the company.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

Chap. 277

An Act to incorporate the Boston Theatre.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. David Sears, John E. Thayer, Gardner Brewer, their associates and successors, are hereby made a corporation by the name of the Boston Theatre, for the purpose of erecting and maintaining in the city of Boston a building suitable for a theatre and opera-house: with all the powers and privileges, and subject to all the duties, lia-

Powers, liabilities, &c., as in

bilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. chapter 44 R. S.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purpose aforesaid, not exceeding in amount two hundred and fifty thousand dollars: *provided*, that no shares in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares that shall be first issued. May hold real and personal estate, \$250,000.
No shares issued under par.

SECT. 3. If any ardent spirits or intoxicating drinks of any kind shall be sold in said building by said corporation, their agents, lessees, or persons in their employ, then this act shall be void. [*Approved by the Governor, May 20, 1852.*] No intoxicating drinks.

An Act to increase the capital stock of the Boston Wharf Company. Chap. 278

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Wharf Company is hereby authorized to increase its capital stock by an amount not exceeding two hundred and forty thousand dollars, and may invest such increase in real and personal estate, necessary and convenient for the purposes for which it was incorporated: *provided*, that no shares in said capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares as fixed by an act passed in the year one thousand eight hundred and thirty-eight, entitled An Act in addition to an act to incorporate the Boston Wharf Company. [*Approved by the Governor, May 20, 1852.*] May increase \$240,000 in real and personal estate.
No shares issued under par.

An Act concerning Alien Passengers. Chap. 279

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The fifth section of the act entitled "An Act concerning Alien Passengers," approved on the tenth day of May in the year one thousand eight hundred and forty-eight, is hereby amended so as to read as follows : Act of 1848 altered.

If on examination there shall be found among said passengers any lunatic, idiotic, deaf and dumb, blind, or maimed person, no such person shall be permitted to land until the master, owner, consignee, or agent of such vessel shall make and deliver to said superintendent a bond to the Commonwealth, with satisfactory sureties in the sum of one thousand dollars, conditioned that such passenger shall not, What passengers not to land except on surety.

Other passen-
gers bond \$300
or \$2 each.

Sick and desti-
tute, how pro-
vided for.

Takes effect.

Chap. 280

within ten years from the date of said bond, become a city, town, or State charge within this Commonwealth. And in respect to every other of said passengers the said superintendent before he shall be permitted to land, shall require a bond, secured as aforesaid, in the sum of three hundred dollars, conditioned that such person shall not become a charge as aforesaid within five years from the date of said bond: *provided, however*, that in lieu of the bond lastly above-mentioned the said superintendent may receive from said master, owner, consignee, or agent, such sum as in his judgment shall be sufficient to cover the risk incurred by the Commonwealth in permitting such passenger to be landed, and thereupon permit such passenger to be landed: *provided*, that the sum so to be paid shall in no case be less than two dollars; and the names of all such passengers shall be certified by said superintendent on the back of the report: *and provided, further*, that if any passengers so arriving as aforesaid are so sick or destitute as to require relief, and if said master shall refuse to report them, or if said master, owner, consignee, or agent shall refuse to give such bond as is herein required, the said superintendent may permit them to be landed, and in such cases any city or town that shall be put to any expense for the support, sickness, or burial of any such passenger, within ten years of the time he has so landed, may maintain an action of debt against said master, owner, consignee, or agent, and recover all expenses incurred as aforesaid; and said commanding officer, owner, consignee, or agent, shall be liable to the penalties provided in the tenth section of this act.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

An Act in addition to an act to establish an additional District for the administration of the Criminal Law.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of May 7th
to take effect
on passage of
this.

SECT. 1. An act to establish an additional district for the administration of the criminal law, passed on the seventh day of May instant, shall take effect from and after the passage of this act, instead of the tenth day of May as provided in that act.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

An Act relating to the Board of Persons confined for Debt.

Chap. 281

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The sum allowed to the keepers of jails for the board of persons confined on mesne process, or execution, shall hereafter be the same as that now by law allowed for the board of criminals confined in jails or houses of correction. [Approved by the Governor, May 20, 1852.]

Jailor's pay for board of debtors same as for criminals.

An Act concerning Certificates of Elections.

Chap. 282

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No selectman of any town in this Commonwealth shall give a certificate of election to any person voted for as a representative to the General Court, which certificate shall not be in accordance with the declaration of the vote in open town meeting at the time when the election so certified took place, under a penalty of three hundred dollars. [Approved by the Governor, May 20, 1852.]

Fine for false certificate of election of representative.

An Act in addition to an Act concerning Truant Children and Absentees from Schools.

Chap. 283

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any minor between the ages of six and fifteen years, convicted under the provisions of an act entitled "An Act concerning Truant Children and Absentees from School," passed in the year one thousand eight hundred and fifty, of being an habitual truant, or of not attending school, or of being without any regular and lawful occupation, or growing up in ignorance, may, at the discretion of the justice of the peace or judicial officer having jurisdiction of the case, instead of the fine mentioned in the first section of said act, be committed to any such institution of instruction, house of reformation, or suitable situation, as may be provided for the purpose under the authority given in said first section, for such time as such justice or judicial officer may determine, not exceeding one year.

Truant children may be punished by commitment, &c., instead of fine.

SECT. 2. Any minor convicted of either of said offences, and sentenced to pay a fine as provided in the first section of the act to which this is in addition, may, in default of payment thereof, be committed to said institution of in-

Unable to pay fine may be committed or discharged.

struction, house of reformation, or suitable situation provided as aforesaid, or to the county jail, as provided in case of non-payment of other fines. And upon proof that said minor is unable to pay said fine, and has no parent, guardian, or person chargeable with his support, able to pay the same, he may be discharged by said justice or judicial officer, whenever he shall see fit.

Final discharge.

SECT. 3. If any person so convicted be not discharged as aforesaid, he shall be discharged according to the provisions of the third section of the one hundred and forty-fifth chapter of the Revised Statutes.

When and how powers of a justice shall be continued.

SECT. 4. The powers of the justice of the peace, or judicial officer under this act and the act to which this is in addition, in all unfinished cases, shall continue under any re-appointment to the same office, provided there be no interval between the expiration and re-appointment to said office.

Third section repealed.

SECT. 5. The third section of the act entitled "An Act concerning Truant Children and Absentees from School," passed in the year one thousand eight hundred and fifty, is hereby repealed. [*Approved by the Governor, May 20, 1852.*]

Chap. 284 An Act in addition to "An Act for the Better Security of the Ballot."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

An unsealed envelope should be rejected, but if received must be counted.

SECT. 1. It shall be the duty of the selectmen of each town, and the warden and inspectors of every ward in each city of this Commonwealth, when acting under the provisions of an act entitled "An Act for the Better Security of the Ballot," passed in the year one thousand eight hundred and fifty-one, to refuse to receive any envelope which they shall know to be unsealed when offered at the ballot-box, but no envelope when once received by said officers, shall thereafter be rejected in consequence of its being found unsealed.

Envelopes, blank votes, &c., not counted—how disposed of.

SECT. 2. It shall be the further duty of the selectmen of each town, and the wardens and inspectors of every ward in each city within the State, to retain and preserve, and make return, with their return of the number of votes cast at any election in which envelopes are required by law to be used, all such envelopes and votes, or blanks, as shall be rejected or not counted by them, under the provisions of the fifth section of the act aforesaid and the first section of this act, and the same shall be carefully retained

and kept by the officers to whom they are returned, until the result of the election in which they were so rejected or not counted, shall be determined by the final judges of such election.

SECT. 3. The persons appointed under the fourth section of the aforesaid act, to take charge of the envelopes at any election, and distribute the same at the polls, shall be sworn by the town clerk, or any person authorized to administer oaths, to the faithful discharge of their duty when appointed, and they shall not act as vote distributors, and shall keep and distribute said envelopes to persons claiming to be voters, from the opening until the closing of the polls for the day of the election, in some convenient place in the same room where the ballots shall be deposited in the ballot-box.

Persons in charge of envelopes to be sworn.

SECT. 4. Any selectman, clerk, warden, inspector, or distributor of envelopes appointed by the selectmen, or warden and inspectors, who shall neglect to perform any of the duties required by this act, shall, on conviction thereof, forfeit and pay to the treasurer of the Commonwealth, a sum not less than fifty nor more than five hundred dollars.

Penalty of officers neglecting required duties.

SECT. 5. Every person who shall make, stamp, or sell any envelopes, with the arms of this Commonwealth, in imitation of those required by law, and ordered by the secretary of the Commonwealth, and with the intent or design of evading any of the provisions of this act, or the act to which this is in addition, shall be liable to a fine of not less than five hundred dollars for each offence.

Fine for counterfeiting envelopes.

SECT. 6. After the officers, whose duty it is to open the envelopes and count the votes, shall have opened the envelopes, and taken the ballot or ballots therefrom, and said envelopes shall have passed from the hands of said officers, it shall not be lawful for them to count any vote that may afterwards be found in the envelopes that have been opened.

As to counting votes.

SECT. 7. The secretary of the Commonwealth is hereby authorized to furnish the State envelopes in reasonable quantities, at cost, to any person wishing to purchase the same for use at the polls. [*Approved by the Governor, May 20, 1852.*]

Envelopes furnished at cost.

Chap. 285 An Act in addition to an act to incorporate the Asiatic Mutual Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May insure
against fire,
&c.

SECT. 1. The Asiatic Mutual Marine Insurance Company shall hereafter be known and called by the name of the Asiatic Mutual Insurance Company.

SECT. 2. Said company may make insurance against loss by fire, on dwelling-houses and other buildings, and on personal property. [*Approved by the Governor, May 20, 1852.*]

Chap. 286

An Act requiring Auctioneers to make returns.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Shall make re-
turns and pay
by 1st July,
1852.

SECT. 1. All auctioneers in this Commonwealth shall make their returns and pay the tax due thereon, to the treasurer of the Commonwealth, on or before the first day of July, one thousand eight hundred and fifty-two.

Acts inconsis-
tent repealed.

SECT. 2. All acts and parts of acts inconsistent with the foregoing section, are hereby repealed. [*Approved by the Governor, May, 20 1852.*]

Chap. 287

An Act concerning the Counties in which Actions may be brought.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Where trust-
ee process
may be served.

In cases of trustee process, if all the persons named in the writ, as trustees, have usual places of business in one county, the writ may be returnable in that county, otherwise it may be returnable in any county in which either of the persons named in the writ as trustees has a usual place of business, without regard to the domicile of the principal parties. [*Approved by the Governor, May 20, 1852.*]

Chap. 288

An Act relating to the Court of Common Pleas in the County of Essex.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The October
term of C. C.
P. shall be held
at Lawrence

SECT. 1. The term of the Court of Common Pleas, which is now by law to be holden at Ipswich, in the county of Essex, on the second Monday of October, shall, in the

year one thousand eight hundred and fifty-two, and each year thereafter, be holden at Lawrence, in said county, on the second Monday of October: *provided*, the inhabitants of said town of Lawrence shall provide the same accommodation for the holding of said term as is now provided for the holding of the December term of said court in said town, and without expense to said county, for the term of eight years.

instead of Ipswich; accommodations without expense to county.

SECT. 2. All appeals, recognizances, and processes, and every other matter of a criminal nature, which would be returnable to, and have day in the Court of Common Pleas, to be holden at Ipswich as aforesaid, if this act had not been passed, shall be returnable to and have day in said court, at the term hereby established at Lawrence.

All appeals, recognizances, &c., to be carried to Lawrence.

SECT. 3. If in the opinion of the county commissioners of said county it shall be necessary, in consequence of the passage of this act, to erect a jail in said Lawrence, with all the necessary appurtenances and conveniences for the safe keeping of prisoners, it shall be their duty to erect the same: *provided*, the inhabitants of said town of Lawrence shall provide for the use of said county a suitable site for the same, to the acceptance of the county commissioners, and within reasonable time after they shall have been thereto requested.

If it shall be deemed necessary to erect county buildings, the county commissioners shall erect them on condition, &c.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Acts inconsistent repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

Takes effect.

An Act relating to Returns by Justices of the Peace and other Officers. *Chap. 289*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. All justices of the peace shall, on or before the fifteenth day of January of each year, return to the secretary of the Commonwealth, under oath, a true statement of all criminal causes which shall have been commenced or examined before them during the year ending on the thirty-first day of the preceding month of December, setting forth therein the date of such examinations, the names of the parties prosecuted, the crimes, offences, or misdemeanors, for which such prosecutions were had, the results thereof, the judgment of the court thereon, the amount of the bill of costs in each case and how the same was paid, together with a specific account of the fines and forfeitures received to the use of the Commonwealth or other public authority.

Returns of justices of peace, when and how made.

Return of all
moneys.

SECT. 2. It shall be the duty of all officers who are required by the two hundred and sixteenth chapter of the statutes of the year one thousand eight hundred and fifty-one, to make returns of all moneys received by them by virtue of their office, also to state what disposition has been made of the same.

Penalty for ne-
glect.

SECT. 3. If any officer shall neglect or omit to make the returns required by this act, he shall forfeit the sum of two hundred dollars, to be recovered by complaint in any court competent to try the same.

Secretary to
furnish forms,
&c.

SECT. 4. The secretary of the Commonwealth shall annually, in the month of November, furnish to the public officers mentioned in the second section of this act, blank forms of returns, together with a copy of this act; and he shall prepare suitable yearly abstracts of such returns, and lay the same before the General Court. [*Approved by the Governor, May 20, 1852.*]

Chap. 290 An Act to set off a part of the Town of Florida and annex the same to the Town of Clarksburg.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Line of separa-
tion.

SECT. 1. So much of the town of Florida, in the county of Berkshire, as lies westerly of the following described line, is hereby set off from said town of Florida and annexed to said town of Clarksburg, to wit:—Beginning at the north-east corner of the town of Adams, thence running easterly on the south line of lot (No. 124) to the southeast corner of said lot, thence northerly on the east line of said lot to the north-east corner of the same, thence easterly to the south-east corner of lot No. 123, thence northerly on the east line of lots Nos. 123, 122, 121, 120, and in the same straight line to Vermont line. *Provided, however,* that the land thus set off shall be holden to pay all taxes which shall have been assessed upon the same prior to the passage of this act, in the same manner as if this act had not been passed: *and provided, further,* that all persons who have gained a legal settlement in Florida by residence on said territory, or by having been proprietors of any part thereof, or who may derive such settlement from any such resident or proprietor, and shall stand in need of relief or support as paupers, shall be relieved and supported by said town of Clarksburg, in the same manner as if they had gained a legal settlement in that town.

Land set off
shall pay taxes
already assess-
ed.

Paupers sup-
ported by
Clarksburg.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

An Act in addition to the several Acts for the relief of Insolvent Debtors and the more Equal Distribution of their Effects. *Chap. 291*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the fourth section of the three hundred and fourth chapter of the statutes of one thousand eight hundred and forty-eight as requires the commissioners of insolvency, appointed under said act, to hold a court in the shire town of their respective counties on the first Tuesday of every month, is hereby repealed. Commissioners' courts not necessary in shire town.

SECT. 2. No person shall act as counsel or attorney in any case pending before a commissioner of insolvency in which such person is clerk. Clerk must not be attorney.

SECT. 3. No commissioner of insolvency shall act as such for any person or persons, in any case or cases, if he has previously been employed as counsel or attorney for such person or persons, in regard to any matters which will be affected by proceedings in insolvency. No commissioner who has been employed as attorney can act.

SECT. 4. If any person shall be guilty of a violation of the provisions of this act he shall forthwith be removed from his said office of clerk or commissioner as the case may be. Penalty for violation. [Approved by the Governor, May 20, 1852.]

An Act relating to Trust Estates.

Chap. 292

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever property shall be held in trust for the benefit of any married woman, her receipt for the income of the same, or any part thereof, shall be a sufficient discharge to the trustee, although the husband of said married woman shall not join in said receipt. When married woman's receipt is valid. [Approved by the Governor, May 20, 1852.]

An Act in addition to the several Acts for the relief of Insolvent Debtors. *Chap. 293*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any creditor who has proved his claim before any commissioner of insolvency, may signify his assent in writing to the discharge of the insolvent debtor, notwithstanding an appeal from the allowance of his claim may be pending; and such assent, if made within the time prescribed by law, Creditor may assent to a discharge pending an appeal.

shall have the same effect as if no appeal had been taken : *provided*, such claim shall be finally allowed, and not otherwise. [*Approved by the Governor, May 20, 1852.*]

Chap. 294 An Act to facilitate the Settlement of the Estates of Deceased Persons.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Right of action of creditor vs. executor or administrator limited to two years instead of four, except, &c. &c. **SECT. 1.** Whenever, by the provisions of the sixty-sixth chapter of the Revised Statutes, the right of action of any creditor of the estate of a deceased person, against the executor or administrator of such person, is limited to the space of four years from the date of the bond of such executor or administrator, or from any other time therein mentioned, such right of action shall be hereafter limited to the space of two years from such time.

SECT. 2. When any executor or administrator shall die, resign, or be removed, without having fully administered the estate of the deceased, and a new administrator shall be appointed, such new administrator shall be liable to the actions of the creditors for the space of two years after he shall have given bond for the discharge of his trust. [*Approved by the Governor, May 20, 1852.*]

Chap. 295 An Act to incorporate the Atmospheric Telegraph Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. Ithiel S. Richardson, Thomas J. Whittemore, Charles Stodder, their associates and successors, are hereby made a corporation by the name of the Atmospheric Telegraph Company, in Boston, for the purpose of constructing and maintaining an atmospheric telegraph on the principle of the invention of Ithiel S. Richardson, in such place within the State of Massachusetts as the company may elect : *provided, however*, no land or other property, of any person, shall be taken without his consent, and also for the purpose of obtaining letters-patent for the said discovery in the different countries of Europe, with a capital stock of not less than twenty thousand nor more than fifty thousand dollars, subject to all the powers and privileges and to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes : *provided*, also, that the capital stock of said company shall not be issued for a less sum or amount per share, to be actually paid in on each, than that first created. [*Approved by the Governor, May 20, 1852.*]

Purpose of constructing a telegraph.

No land taken without consent.

Capital stock.

Powers, liabilities, &c.

Capital stock not to be issued for less than par value of original shares.

An Act in addition to "An Act in relation to the carrying of Slung Shot." *Chap. 296*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The term "police officers," in the first section of an act entitled "An Act in relation to the carrying of Slung Shot," passed in the year one thousand eight hundred and fifty, shall be construed to embrace watchmen. "Police officers" shall be construed to embrace watchmen.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 20, 1852.*]

An Act concerning the Troy and Greenfield Railroad Company. *Chap. 297*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Troy and Greenfield Railroad Company and the Southern Vermont Railroad Company, a corporation established by the laws of Vermont, are hereby authorized by a vote of the stockholders now, or to be, passed, to unite themselves in one corporation; and such vote having been passed, they shall thereupon become one corporation, and all the franchises, property, powers, and privileges now enjoyed by, and all the restrictions, liabilities, and obligations imposed upon, said two corporations, by virtue of their respective charters, shall appertain to said united corporation in the same manner as if the same had been contained in or acquired under an original charter. Such corporation, so formed by such union, shall be called by the name of the Troy and Greenfield Railroad Company. Troy and Greenfield Railroad and Southern Vermont Railroad may by vote unite.

SECT. 2. If the Troy and Greenfield Railroad Company shall unite with said Southern Vermont Railroad Company, then, and in that case, one or more of the directors of such corporation, formed by such union, shall be an inhabitant of this Commonwealth, on whom processes against such corporation may be legally served, and said company shall be held answerable to answer in the jurisdiction where the service is made and the process returnable. In case of union at least one director to be of this Commonwealth.

SECT. 3. The said company and the stockholders therein, so far as they are situate in Massachusetts, shall be subject to all the duties and liabilities of railroad corporations in Massachusetts, and to the general laws of this Commonwealth in relation to railroad corporations. [*Approved by the Governor, May 20, 1852.*] Company and stockholders in this Commonwealth subject to laws thereof.

Chap. 298

An Act relating to the Police Court in Worcester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The justice shall in January, annually, exhibit, on oath, a true account of moneys received by him, and pay over balance.

SECT. 1. The justice of the Police Court of the city of Worcester shall hereafter exhibit, in the month of January, in each year, to the city treasurer of the city of Worcester, a true and particular account, under oath, of all sums of money by him received in his capacity of justice, other than in civil suits and actions between private parties ; and shall immediately after so exhibiting his said account, pay over to said treasurer the balance, if any, which may appear to be in the hands of said justice after deducting the sum which by law he is entitled to retain for his own use.

Third section of former act repealed.

SECT. 2. The third section of the two hundred and tenth chapter of the acts passed in the year one thousand eight hundred and forty-nine, entitled " An Act in addition to an act to establish the city of Worcester," is hereby repealed. [Approved by the Governor, May 20, 1852.]

Chap. 299

An Act in relation to the jurisdiction of Justices of the Peace and Police Courts in regard to offences against Property in Cemeteries.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fines not to exceed fines by justices, &c., in other cases.

SECT. 1. Justices of the peace and police courts shall have jurisdiction of all cases of offences against property in cemeteries : *provided*, that the fines and other penalties imposed by said justices and police courts, shall not exceed in amount the fines and penalties which they have now power to inflict in other criminal cases. [Approved by the Governor, May 20, 1852.]

Chap. 300

An Act in addition to an Act entitled An Act to incorporate the Chelsea Gas-Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May hold real and personal estate.
Capital stock.

SECT. 1. The Chelsea Gas-Light Company is hereby authorized to hold real estate to the value of not exceeding twenty thousand dollars ; and the whole capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 20, 1852.]

An Act to change the Time of Assessing Taxes in the City of Boston. *Chap. 301*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any person who shall have his residence in the city of Boston on the first day of January, shall, on the first day of May following, be taxed in that city, notwithstanding he may have removed therefrom before the first day of May, and no person so taxed shall be liable to assessment for his personal property in any other city or town on the first day of May in the same year. [*Approved by the Governor, May 20, 1852.*]

An Act to regulate the Measurement of Charcoal.

Chap. 302

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the first day of July next, in the sale of charcoal, it shall not be lawful to measure the same except in cylindrical boxes, baskets, or tubs of the following dimensions, to wit: eighteen inches in diameter at the bottom, twenty inches in diameter at the top, and nineteen inches in perpendicular depth, measured on the inside of said box, basket, or tub; which box, basket, or tub shall be deemed to be of the capacity of two bushels, and shall be filled level full, and said box, basket, or tub shall be sealed by the sealer of the town where the person using the same shall usually reside, and every person who shall measure any charcoal offered for sale in any box, basket, or tub, of less dimensions, or not sealed as aforesaid, or in any vessel or measure other than as above provided, unless by special agreement of the purchaser and seller, shall forfeit for each offence, one dollar; one half to the use of the town where the offence shall be committed, and one half to the complainant; and such box, basket, or tub, vessel or measure, shall be destroyed.

Must be measured in box, basket, or tub, described.

To hold two bushels.

To be sealed.

Forfeit, \$1 and vessel destroyed.

SECT. 2. The selectmen of any town shall appoint one or more suitable persons, to seize and secure all boxes, baskets, or tubs, used for measuring charcoal, that shall not be of the dimensions prescribed in the preceding section, and sealed as therein required, and also to prosecute all persons who shall offend against the said provisions.

One or more persons to be appointed by selectmen.

SECT. 3. All the forfeitures mentioned in the first section, may be recovered by complaint before any justice of the peace or police court.

Forfeitures, how recovered.

Acts inconsistent repealed.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed. [*Approved by the Governor, May 21, 1852.*]

Chap. 303

An Act concerning Railroad Corporations.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

A certificate to be filed.

SECT. 1. No railroad company hereafter chartered in this Commonwealth, shall begin to build its road until a certificate shall have been filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of said company, and a majority of the directors thereof, stating that all of the stock named in its charter has been subscribed for by responsible parties, and that twenty per cent. of the par value of each and every share of the stock thereof has been actually paid into the treasury of the company.

Shall not issue stock for less than par value named in charter.

SECT. 2. No such corporation, nor any railroad corporation, obtaining an extension of time for the construction of its road, shall issue any stock for a less sum or amount, to be actually paid in on each, than the par value named in its charter.

Shares with unpaid assessments forfeited.

SECT. 3. When any subscriber or shareholder shall have paid nothing upon his share or shares in any railroad corporation after thirty days from the time when any assessment shall have become due, said share or shares may be declared forfeited by the directors, who may thereupon transfer such share or shares to any responsible person or persons who may subscribe for the same. [*Approved by the Governor, May 21, 1852.*]

Share may be transferred.

Chap. 304

An Act to establish a Police Court in the Town of Fall River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Court established with one justice.

SECT. 1. A Police Court is hereby established in the town of Fall River, to consist of one learned, able, and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences, and misdemeanors committed within the town of Fall River, whereof justices of the peace now have or may hereafter have jurisdiction. And the court hereby established shall hear and determine all suits, complaints, and prosecutions, in like manner as by law provided

Power, duty, &c.

for the exercise of the power and authority which are, or may be, vested in justices of the peace, and shall do all acts necessary to and consistent with such powers and authority.

And the said Police Court shall also have original and concurrent jurisdiction in criminal cases, and cognizance of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined before any justice of the peace in the county of Bristol, and exclusive jurisdiction whenever all the parties reside in Fall River, and the service of the writ is had on the defendant in said county; and no writ in any such suit or action, shall be made returnable before any justice within said town, but to said Police Court only; and an appeal shall be allowed from all judgments of said Police Court, in like manner, and to the same extent, that appeals are now allowed by law from judgments of justices of the peace; and the justice of said Police Court shall not be of counsel or attorney to any party in any matter or thing whatsoever which may be pending in said court.

Of Police Court.

Appeal allowed.

Police Court shall not be attorney, &c.

SECT. 2. All warrants issued by said court, or by any justice of the peace within said town, shall be made returnable and shall be returned before said court; and if any warrant shall be issued by any justice of the peace, returnable before said court, the lawful fees payable therefor shall not be paid or allowed, unless, on examination in hearing before said court, it shall appear to said court that there was just and reasonable cause for issuing said warrant, in which case such fees, costs, and charges shall be allowed and taxed in like manner as though said warrant had been issued by a justice of the peace, according to the law now in force.

Warrants, how issued, returned, and disposed of.

SECT. 3. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner and under the same penalties for neglect as are by law prescribed in the case of justices of the peace; and all costs in such prosecutions not thus received shall be made up, taxed, certified, and allowed, and shall be paid and satisfied in like manner as is provided by law in cases of justices of the peace.

Fines, costs, &c., how disposed of.

SECT. 4. A court shall be held by said justice, at some suitable and convenient place, on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and on one day in each fortnight, at ten of the clock in the forenoon, and at such other times as may be necessary, for the trial of civil suits and actions; and said court may be adjourned from day to day

Court held two days each week.

- Court to establish rules, &c. by the justice thereof; and the justice of said court shall from time to time establish all necessary rules for the orderly and uniform conducting of the business thereof.
- What fees court may retain. SECT. 5. The justice of said court shall retain to his own use, all fees by him received, or which now accrue to justices of the peace in criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act, in criminal matters, and all legal fees in civil matters: *provided*, that whenever the fees in criminal prosecutions amount to more than seven hundred dollars per annum, the excess shall be paid to the county of Bristol, in the month of January annually, in the same manner as justices of the peace are now bound to pay money received for fines.
- Fees over \$700 paid to county. SECT. 6. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also annually, in the month of January, exhibit to the selectmen of said town of Fall River a true and faithful account of moneys by him received as fees.
- Court shall keep a fair record and make return. SECT. 7. Said justice is hereby authorized to appoint a clerk of said Police Court, to be paid by him, and to hold his office during the pleasure of said justice, whenever in his discretion the business of the court shall require such appointment; and the clerk so appointed shall be duly sworn to the faithful discharge of the duties of his office, and under the direction of the justice shall keep a fair record of all the proceedings of said court.
- May appoint clerk. Clerk sworn. SECT. 8. All suits, actions, and prosecutions which shall be instituted and pending before any justice of the peace within the town of Fall River when this act shall take effect, shall be heard and determined as though this act had not been passed.
- Pending actions tried as formerly. SECT. 9. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court; and whenever it shall happen that the standing justice of said court shall be interested in any suit or prosecution cognizable in said court, or shall from any cause be unable to hear and determine any matter or thing pending therein, the cause shall be assigned on the record by the standing or special justice, and the court shall be held, and its jurisdiction exercised, by one of said special justices. And the said special justice shall be paid for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to receive for the same services.
- Two special justices appointed by governor. Their power and duty. How paid.

SECT. 10. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices at any time after the passing of this act.

SECT. 11. This act shall take effect on and after the first day of July next. *[Approved by the Governor, May 21, 1852.]* Takes effect.

An Act concerning the Eastern Railroad Company and the South Reading Branch Railroad. Chap. 305

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The South Reading Branch Railroad is hereby authorized to lease their entire road, with all the rights, privileges, and franchises to them belonging, to the Eastern Railroad Company, which is hereby authorized to hire the same upon such terms and for such time as have been or may be agreed upon by the parties: *provided*, that said lessees shall be required to run passenger and freight trains over the line of said South Reading Branch Railroad, from and between Salem and Boston, using therefor the Essex Railroad between the Forrester street station in Salem and the Junction in Danvers, and the Boston and Maine Railroad, to and from Boston, according to the provisions of law, so as to furnish all reasonable accommodation to the public generally and the business along the line of said road, furnishing at least one freight and four passenger trains daily, Sundays excepted, each way, to run with charges for freight and fares as low as shall be established between Salem and Boston and between Danvers and Boston by the Eastern Railroad Company, any difference in the length of said routes to the contrary notwithstanding: *and provided*, also, that if said lessees shall not agree with the Boston and Maine Railroad upon the terms of their connection, either party may petition the supreme judicial court to appoint commissioners to arrange the terms of such connection, as provided by the laws of this Commonwealth.

South Reading Branch may lease to Eastern Railroad in manner specified.

In case of disagreement supreme judicial court may appoint commissioners.

SECT. 2. Said Eastern Railroad Company is hereby authorized to hold stock, and to purchase and hold stock in said South Reading Branch Railroad in their own name or in the name of trustees: *provided*, that if the Eastern Railroad Company hold, purchase, or control the major part of the stock of said South Reading Branch Railroad, they shall run passenger and freight trains as provided in the first section.

Eastern Railroad may hold stock in South Reading Branch Railroad.

Disagreeing, supreme judicial court to appoint commissioners.

SECT. 3. If any disagreement shall arise as to what may be considered reasonable accommodation to the public and business along the line of said railroad, from and between Salem and Boston, the supreme judicial court, upon application of any person interested in the transportation of freight or passengers, either in term time or vacation, shall be authorized to appoint three commissioners to settle such disagreement, and said court are hereby invested with full equity powers to enforce the provisions of this act.

Eastern Railroad may purchase the whole of the stock of South Reading Branch Railroad, and in case of disagreement supreme judicial court may appoint three commissioners.

SECT. 4. And whereas, the Eastern Railroad Company have heretofore purchased, and placed in the names of individuals for them, a majority of the stock of the South Reading Branch Railroad: Now, therefore, it is hereby expressly provided, that the Eastern Railroad Company shall purchase all the stock of said South Reading Branch Railroad at such prices as may be agreed upon with the several owners thereof, or in case of disagreement, then by three commissioners appointed by the supreme judicial court upon application of any stockholder. It is, however, expressly provided, that in case said Eastern Railroad Company shall not take and pay for all of such stock at the prices prescribed by said commissioners, if offered within ninety days from the final return of said commissioners, or the acceptance of their report by said court, then all the powers and privileges hereby granted to them shall cease and become inoperative, and in such case nothing herein contained shall be construed to sanction the purchase of any part of the stock of said South Reading Branch Railroad, heretofore bought by them, and placed in the names of individuals as aforesaid, and they shall have no right whatever, directly or indirectly, to hold or to control such stock thus purchased, and no votes shall be given thereon, nor shall the same be represented at any corporate meeting, and said Eastern Railroad Company shall neither directly or indirectly exert any control over the operation of said South Reading Branch Railroad, or take, or hold any lease of the same.

If Eastern Railroad neglect for ninety days to accept terms of commissioners, these provisions void.

Takes effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1852.*]

Chap. 306 An Act concerning the Grand Junction Railroad and Depot Company, and the Eastern Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The two companies, or either, may con-

SECT. 1. The Grand Junction Railroad and Depot Company, and Eastern Railroad Company, or either of them,

are hereby empowered to locate, construct, and maintain a branch railroad with one or more tracks, commencing at some convenient point in Somerville, on the line of the said Grand Junction Railroad as heretofore authorized to be built; thence on the easterly side of the Boston and Maine Railroad to some convenient point south from Cambridge street in Charlestown, where it may cross to the westerly side of said Boston and Maine Railroad, and from thence to Causeway street in the city of Boston, and thence, provided the said companies so elect, to the north-westerly side of Market street, with the privilege of connecting with the Boston and Maine Railroad at some convenient point, with the consent of said Boston and Maine Railroad: *provided, also*, that said companies, or either of them, shall not by virtue hereof take any land in Boston easterly of the middle of the dock between Tilden's wharf and the freight station of the Boston and Maine Railroad, except by consent of said parties, nor erect any part of their bridge so as to prevent access to said dock and freight station: *and provided, also*, that in the construction of the bridge from prison point bridge to the Boston shore, a clear passage shall be left between the main structure of said bridge to be constructed and the island of the Boston and Maine Railroad, of not less than fifty feet, and also that the direction of said line shall be such that no part of the location where it crosses the prison point bridge, shall be west of a point thirty-five feet easterly from the east side of the draw of said bridge. If, in building said bridge near the island of said company heretofore mentioned, it shall be necessary to put any part of said bridge in the channel heretofore excavated by said Boston and Maine Railroad, the said Eastern Railroad Company, or Grand Junction Railroad and Depot Company, shall and they are hereby authorized to excavate an equal width on the opposite side of said channel, so that the same shall have the same width as at present on the westerly side of said bridge: *provided, however*, that nothing in this act shall relieve the Boston and Maine road from their legal obligations to maintain said channel in all parts not covered by said bridge as they are now in law bound to do.

construct a branch railroad in manner and on condition here specified.

May connect with Boston and Maine Railroad.

Bridge, where and how made.

SECT. 2. Instead of the route above described, in case said companies or either of them deem it for the safety and convenience of the public travel, they, the said Grand Junction Railroad and Depot Company and the Eastern Railroad Company, or either of them, are hereby empowered to locate, construct, and maintain a branch railroad with one or more tracks, from some convenient point in the Grand Junction Railroad, as now authorized to be built in Somer-

A different route may be substituted, located, and constructed as described.

ville, on the easterly side of said Boston and Maine Railroad to the westerly end of the passenger depot and buildings of said last-mentioned road, and westerly from Haverhill street: *provided*, that no land shall be taken now belonging to or within the location of said Boston and Maine Railroad on the easterly side thereof and south from prison point bridge, without the consent of said company: *and provided*, *also*, that no land belonging to the Fitchburg Railroad Company shall be taken for the said branch, on the easterly side of the Boston and Maine Railroad, for depots or engine houses without the consent of said Fitchburg Railroad Company.

SECT. 3. The said Grand Junction and Eastern Railroad Companies, or either of them, in case of their election to build the last-mentioned branch, instead of that described in the first section of this act, shall have the right to take for the use of said last-mentioned branch the land lying in said Boston westerly of the centre of the dock aforesaid, and easterly of Andover street, subject to the provisions of the thirty-ninth chapter of the Revised Statutes, and any of the said railroad companies may exchange their lands and arrange their respective tracks so as best to avoid risk and danger to the public travel.

SECT. 4. Unless said Grand Junction and Eastern Railroad Companies, or one of them, shall locate one of the said routes within one year, and shall build and complete the said road within two years from the passage hereof, this act shall be void.

SECT. 5. At the crossings of the Fitchburg Railroad, and Boston and Maine Railroad, the Grand Junction and Depot Company or Eastern Railroad Company, shall keep and maintain such guards, signals, or other safeguards against accidents, as shall from time to time be prescribed by the county commissioners of the county of Middlesex.

SECT. 6. The Grand Junction Railroad and Depot Company are hereby empowered to hire or purchase that part of the track, buildings, franchise, and other property of the Eastern Railroad Company lying in East Boston and Chelsea, and North Chelsea.

SECT. 7. For the purposes of this act the Eastern Railroad Company may create new stock to an amount not exceeding one million dollars, to be divided into shares of one hundred dollars each, and the said shares may be paid for in cash or in exchange for bonds of said corporation at not less than the par value of said stock.

SECT. 8. So much of section first of the act entitled "An Act authorizing the Eastern Railroad Company to extend their road," approved the second day of May, in

No land of Fitchburg Railroad to be taken without consent.

One route to be located in one year, and completed in two years, or act void.

Signals, &c., to be kept.

Grand Junction Railroad may hire or purchase of Eastern Railroad property in East Boston, Chelsea, &c.

Eastern Railroad may create new stock.

Part of act of May 2, 1849, repealed.

the year one thousand eight hundred and forty-nine, as authorized the extension of said Eastern Railroad westerly beyond the Salem turnpike, is hereby repealed.

SECT. 9. In case any part of the property belonging to the Commonwealth, at or near the State prison, shall be required for the purpose of this act, a commissioner on the part of the Commonwealth shall be appointed by the governor and council to settle the damage with said company in such manner and upon such terms as he may deem best, or by a jury or a reference to arbitration to be mutually agreed upon by the parties.

If certain land of Commonwealth be required, commissioner to be appointed.

SECT. 10. The bridges shall be provided with suitable draws, which, together with the bridges, shall be constructed under the direction of a commissioner to be appointed by the governor and council, whose services shall be paid for by said corporations or either of them, and the said companies shall at all times keep said draws in good repair and furnish men to open them for the passage of vessels either by day or by night: *provided, however*, that said bridge shall not be constructed over twenty-six feet in width.

Bridges and draws to be constructed under commissioner.

SECT. 11. The motive power and the rate of speed for crossing any of the streets in the city of Boston, as well as the securities at the crossings, shall be regulated in such manner as shall be required by the mayor and aldermen of said city. [*Approved by the Governor, May 21, 1852.*]

Crossing streets regulated by mayor and aldermen.

An Act in addition to an Act to secure to Mechanics and Laborers their payment for Labor by a Lien on Real Estate. Chap. 307

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any person to whom any money shall be due for labor, or for labor and materials expended in the erection or repair of any building, by virtue of any contract with the owner thereof, or other person having authority to contract for such labor, shall have a lien to secure the payment of such money not exceeding the amount of said contract upon such building and the lot of land on which the same stands, to the same extent, and to be enforced in the same manner, as is provided for labor in the act entitled "An Act to secure to Mechanics and Laborers their payment for Labor by a Lien on Real Estate," passed in the year one thousand eight hundred and fifty-one: *provided, however*, that no lien for materials shall attach to any building or land, unless the person or persons claiming such lien shall, before furnishing such materials, have given notice in writing to the owner of the land, and to the person who has contracted with the

Any person having money due on contract for erecting or repairing building shall have lien on the land and building.

No lien for materials unless claimant shall have first given notice in writing of his intention, &c.

No mortgage previous to the contract to be affected.

owner of the land, that he or they intend to claim such lien for materials furnished as aforesaid: *and provided, further*, that nothing contained in this act, or in the act to which this is an addition, shall be so construed as to affect any mortgage actually existing and duly recorded prior to the date of the contract under which the lien is claimed.

Any number who have labored on same building may join in petition for lien.

SECT. 2. Any number of persons who have actually performed labor on one or more buildings, upon different lots of lands where the labor was performed for the same owner, contractors, or other person, may all join in the same petition for their respective liens, and the same proceedings shall be had in regard to the respective rights of each petitioner, and the respondent may defend as to each petitioner, in the same manner as if he had severally petitioned for his individual lien: *provided*, that each petitioner so joined may be a witness for his joint petitioners, but not in his own case, subject only to the same exceptions as would invalidate his testimony if he were not joined in said petition. [*Approved by the Governor, May 21, 1852.*]

Proceedings in such case.

Each petitioner may be witness for others.

Chap. 308 An Act in addition to an Act for establishing an Academy in the South Precinct of Bridgewater, by the name of Bridgewater Academy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Inhabitants of Bridgewater may annually send not exceeding forty pupils.

SECT. 1. The inhabitants of Bridgewater are hereby authorized to send annually from their public schools to the Bridgewater Academy such a number of pupils, not exceeding forty, as the trustees of said academy may think proper to admit without detriment to the interests of the county, on such terms as may be agreed on by the school committee and the trustees of said academy; said pupils being entitled to remain two years in said academy, subject to such rules as apply to other pupils.

School committee shall be trustees.

SECT. 2. The school committee for the time being shall be trustees of said academy, entitled to the same privileges, and subject to the same liabilities as other members of the board: *provided, however*, that at least one member of said school committee shall be on the committee for the quarterly examinations of said academy.

One member to examine quarterly.

SECT. 3. The pupils sent from the public schools of the town shall be selected by the town school committee.

Town pupils to be selected by school committee.

SECT. 4. So long as the said inhabitants shall substantially comply with the requisitions of this act, the said town of Bridgewater shall be exempted from all liabilities under the fifth section of the twenty-third chapter of the Revised Statutes of this Commonwealth.

Said inhabitants, so long as they comply, &c., shall be exempt from sect. 5, ch. 23, R. S.

SECT. 5. This act shall take effect as soon as the same shall have been accepted by the trustees of Bridgewater Academy and the inhabitants of the town of Bridgewater, and shall continue in operation two years from the time the same shall take effect. [Approved by the Governor, May 21, 1852.]

Take effect when accepted, &c. &c.

Continue two years.

An Act to incorporate the Proprietors of the Winchester House, in Winchester. *Chap. 309*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. F. O. Prince, O. R. Clark, and S. S. Richardson, their associates and successors, are hereby made a corporation by the name of "The Proprietors of the Winchester House," for the purpose of erecting a hotel or boarding-house, in the town of Winchester, and maintaining the same and the buildings and appurtenances connected therewith, and for those purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions, and limitations, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes: *provided*, that said corporation shall not carry on the business of hotel or boarding-house keeping, or be in any way interested in said business, and that no intoxicating liquors shall be sold upon the premises by said corporation, its agents, or lessees.

Powers, liabilities, &c., ch. 38 and 34 R. S.

Said corporation not to carry on the business or be interested.

No intoxicating liquors.

SECT. 2. The whole amount of real and personal estate, or capital stock, which said corporation may hold, shall not exceed thirty thousand dollars.

Capital stock.

SECT. 3. When any stockholder in this corporation shall transfer his stock in this corporation, a certificate of such transfer shall forthwith be deposited with the town clerk of the town of Winchester, who shall note the time when the same was deposited, and record the certificate at full length on the record book of the said town; and no transfer of such stock shall be valid, as against the creditors of said stockholders, until such certificate shall have been deposited and recorded as aforesaid.

Transfer of stock to be deposited with town clerk.

No transfer valid against creditors till certificate is recorded.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, May 21, 1852.]

Takes effect.

Chap. 310

An Act to incorporate the Town of Swampscott.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Line of separation from Lynn.

SECT. 1. That portion of the city of Lynn lying easterly of a line commencing at a point upon the centre of the bridge which crosses Stacy's brook, so called, at King's beach, thence running from said point south twelve degrees east by compass to the ocean, and running north from said point twelve degrees west by compass to the line which separates the city of Lynn from the city of Salem, is hereby incorporated into a town by the name of Swampscott; and the inhabitants of said town of Swampscott are hereby invested with all the powers and privileges, and shall be subjected to the duties and requisitions of other incorporated towns, according to the constitution and laws of the Commonwealth.

To pay taxes specified.

SECT. 2. The inhabitants of said town of Swampscott shall be holden to pay all arrears of taxes which have been assessed upon them by the city of Lynn, before the passing of this act, and also their proportion of all county and State taxes that may be assessed upon said city previously to the taking of the next State valuation, said proportion to be ascertained and determined by the last city valuation; and

Pay their proportion of debts and receive proportion of property.

said town of Swampscott shall be holden to pay their proportion of the debts due and owing at the time of the passage of this act, from the city of Lynn, and be entitled to receive of the city of Lynn their proportion of all the corporate property now owned by said city of Lynn, such proportion to be ascertained and determined by the last valuation of said city of Lynn: *provided, however,* that the city of Lynn shall be authorized to collect the tax which may have been assessed by virtue of law on the first of May this current year, upon the inhabitants and owners of property in said Swampscott; and the said city of Lynn, after deducting the reasonable expenses of assessing and collecting the same, shall account with and pay over the same to the town treasurer of said Swampscott; and said city of Lynn shall incur no liability for said town of Swampscott after the passage of this act.

Lynn may collect taxes assessed this year.

Paupers, how supported.

SECT. 3. Said city of Lynn and town of Swampscott shall be respectively liable for the support of all persons who now do, or hereafter shall, stand in need of relief as paupers, whose settlement was gained or derived from a settlement gained or derived within their respective limits.

If Lynn and Swampscott disagree the C.

SECT. 4. In case said city of Lynn and town of Swampscott shall disagree in respect to a division of paupers, city

property, city debts, or State and county taxes, the court of common pleas for the county of Essex are hereby authorized to, and shall, on application of said city of Lynn, or of said town of Swampscott, appoint three disinterested persons to hear the parties and award thereon; which award, when accepted by said court, shall be final.

of C. P. may
appoint three
persons.

SECT. 5. The town of Swampscott shall, for the purpose of electing the representatives to the General Court, to which the territory comprised in the city of Lynn is now entitled until the next decennial census, or until another apportionment of representatives be made, remain a part of the said city of Lynn. And the inhabitants of said Swampscott shall vote for the number of representatives which the city authorities of Lynn may decide shall be elected annually in town meeting. And it shall be the duty of the selectmen of said Swampscott to preside at said town meeting, and receive the votes; and the certificate thereof shall be made by the selectmen and certified by the town clerk of said Swampscott, whose duty it shall be to make return thereof to the mayor and aldermen of the said city of Lynn within forty-eight hours of the day of voting; and the votes so returned shall be counted by the said mayor and aldermen as a part of the vote of the said city of Lynn.

Swampscott to
vote with Lynn
for representa-
tives.

SECT. 6. Any justice of the peace in the county of Essex is hereby authorized to issue his warrant to any principal inhabitant of the town of Swampscott, requiring him to warn the inhabitants of said town to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

First meeting,
how called.

SECT. 7. This act shall take effect from and after its passage. [Approved by the Governor, May 21, 1852.]

Takes effect.

An Act relating to Insurance on Lives by Foreign Corporations.

Chap. 311

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No life insurance company, unless incorporated by the legislature of this Commonwealth, shall make any contracts of life insurance within this State, until such insurance company shall have complied with the provisions of this act.

Company out
of State must
comply with
this act.

SECT. 2. Every such insurance company shall, by a written power of attorney, appoint some citizen of this Commonwealth, resident therein, its attorney, with power and authority to accept service of all lawful processes against such company in this Commonwealth, and to

Some person in
this Common-
wealth must be
empowered,
&c.

cause an appearance to be entered in any action, in like manner as if such corporation had existed and been duly served with process within this State.

Copy of power to be filed with secretary of Commonwealth.

SECT. 3. A copy of such power of attorney, duly certified and authenticated, shall be filed with the secretary of State of this Commonwealth, and copies thereof duly certified by said secretary shall be received in evidence in all courts of this Commonwealth.

When attorney dies or resigns a new one to be appointed.

SECT. 4. If any such attorney shall die, or resign, or be removed, it shall be the duty of such corporation to make a new appointment, as aforesaid, and file a copy with the said secretary as above prescribed, so that at all times, and while any liability remains outstanding on such insurance, there shall be within this State an attorney authorized as aforesaid. And no such power of attorney shall be revoked until after a like power shall have been given to some competent person, and a copy thereof filed as aforesaid.

Service on attorney same as on principals.

SECT. 5. Service of process upon such attorney shall be deemed to be sufficient service upon his principals.

Duties of attorney previous to proceeding.

SECT. 6. Every such attorney, before any insurance shall be made on the life of any person in this State, or any contract for insurance shall be entered into with any party resident in this State, shall deposit with the secretary of this State a copy of the charter of the company whose attorney he is, and a statement, signed and sworn to by a majority of the directors of said company, specifying the amount of its capital and all its assets, stating the manner of its investment, designating the amount invested in mortgages, and in public or other securities, particularizing each item of investment. And said attorney shall also annually, in the month of October, make a return to the said secretary, of the state and condition of the affairs of the company he represents, made up to some time between the first of January and the first of July in each year, in the form following namely :

Form of return.

Form of Return for Foreign Life Insurance Companies.

Name of the company.

Where located.

Amount insured by existing policies.

Present value of existing policies.

Present value to the company of future premiums on these policies.

State the name of the person or persons who made the calculations on which the answers to the two preceding statements were made.

Amount of assets of the company.

How invested.

Amount due from the company for losses.

Amount of other claims against the company, including dividends unpaid.

Amount of all expenses the past year, including commissions paid to agents.

Which return shall be signed and sworn to by a majority of the directors of said company: *provided*, that the deposit in the office of the treasurer of the Commonwealth, in the month of October in each year, of a copy of the last annual return and exhibit made to its members, verified by the oaths of a majority of its directors, by the attorney of any such company established without the limits of the United States, shall be a sufficient substitute for the return herein required.

Return to be signed and sworn to, &c. &c.

SECT. 7. No person shall be allowed to act as agent for any life insurance company not incorporated in this Commonwealth, unless the capital stock and accumulated premiums of said company shall amount to one hundred thousand dollars actually paid in and invested otherwise than in notes of stockholders or those of holders of policies issued by the company.

No agent authorized to act unless, &c.

SECT. 8. If any such insurance company shall make insurance as aforesaid without complying with the requisitions of this act, the contract shall be valid; but the agent of such company acting within this State, respecting the effecting of any policy of insurance, shall forfeit a sum not exceeding one thousand dollars, nor less than three hundred dollars, for each offence. And every person shall be deemed an agent of such company who shall receive or transmit proposals for insurance, or receive for delivery, policies founded on proposals forwarded from this State or otherwise to procure insurance to be effected by such insurance company for persons residing in this State; or who shall receive payment for such policies; and shall be subject to the restrictions and liable to the penalties specified in this act; but the provisions of this section shall not apply to any clerk or messenger acting for such agent in the town or city where such agent may reside or have his place of business.

Penalty for making insurance contrary to this act.

SECT. 9. Every person acting as agent in this State for any life insurance company not incorporated by the Legislature of this Commonwealth, shall, on the first Monday of October in every year during the continuance of his agency, make a return on oath to the treasurer of the State of the amount insured or procured to be insured by him in this State as such agent, during the year preceding, and of the

Acting agents to make return on oath to treasurer, &c.

amount of premiums received and assessments collected during the said period, and shall at the same time pay to said treasurer a tax of one half of one per cent. on the amount of such premiums and assessments; and the whole sum received for policies, whether paid in money or in notes, or both, shall be deemed to be premiums for the purposes of this section.

Penalty if agent neglects to make returns and payments.

SECT. 10. If any such agent shall neglect to make such returns and payments as are required in the preceding section, or if he shall make the same fraudulently or falsely, he shall for every such offence forfeit a sum not exceeding one thousand dollars.

Shall give bonds.

SECT. 11. Every such agent shall, before making or procuring to be made, any contract of insurance as aforesaid, give bond to the treasurer of the State, with two or more sureties to be approved by him, in the sum of not less than five hundred, nor more than three thousand, dollars, at the discretion of the treasurer, with conditions to make the annual return before required and to pay the tax.

Agents' place of business designated by sign.

SECT. 12. Every such agent shall exhibit in conspicuous letters, on the sign designating his place of business, the name of the State under whose authority the company he represents has been incorporated. And said company and agent shall also have printed in large type the name of such State upon all policies issued to citizens of this Commonwealth, on all cards, placards, and pamphlets, and in all advertisements published, issued, or circulated in this State, by them or him, relating to the business of such company.

Penalty for making insurance contrary to this act.

SECT. 13. If any person shall undertake, as agent for any such company, to make or renew, directly or indirectly, any contract of insurance within this State, and with any person resident therein, without having complied with the requisitions of this act, or in any way contrary to the true intent and meaning thereof, he shall forfeit and pay for every such offence the sum of five hundred dollars.

Secretary, treasurer, and auditor a board of commissioners.

SECT. 14. The secretary, treasurer, and auditor of this Commonwealth are hereby constituted a board of insurance commissioners; and it shall be their duty annually, in the month of November, to examine the statements and returns required to be made by the attorneys and agents aforesaid; and if, in their opinion, any statement or return shall be obscure, defective, or in any respect unsatisfactory, it shall be their duty immediately to require answers, under oath, from the attorney or agent by whom such obscure, defective, or unsatisfactory statement or return shall have been deposited or made, to such interrogatories as they may deem necessary and proper to be answered, in order to explain such statement or return, and exhibit a full and accu-

May query unsatisfactory statements.

rate view of the business and resources of the company represented by such attorney or agent. And if any attorney or agent shall refuse or neglect to answer such interrogatories for the space of sixty days, the company represented by such attorney, and such agent, shall be deemed not to have complied with the provisions of the laws of this Commonwealth, and such agent, if he continue to act as agent as aforesaid, shall be liable to the penalty prescribed in the preceding section. And said commissioners shall prepare an abstract of the statements and returns made by such attorneys and agents, which abstract shall be printed and laid before the Legislature in the month of January in each year; the said commissioners may appoint any suitable person as actuary for the State to assist them in examining the statements and returns required by this section, and any other services convenient for carrying the provisions of this act into full effect. And for any services rendered and expense incurred in enforcing the provisions of this act, the governor and council may audit and allow a reasonable compensation.

Penalty for refusing to answer questions from Commissioners.

Reasonable compensation for services allowed by governor and council.

SECT. 15. The secretary of the Commonwealth shall annually, in the month of June, furnish to each person appointed and authorized to act as attorney for any foreign life insurance company, four printed copies of the form of return required to be made by such attorneys by the sixth section of this act.

Secretary to furnish blank returns.

SECT. 16. It shall be the duty of the aforesaid commissioners, and of the attorney-general and the district attorneys of this Commonwealth, to cause the provisions of this act to be enforced.

SECT. 17. All penalties recovered for violations of the provisions of this act shall go, one half to the person giving the information of such violations, and one half to the treasury of the Commonwealth. [*Approved by the Governor, May 22, 1852.*]

An Act relating to the Proceedings, Practice, and Rules of Evidence in Actions at Law. *Chap. 312*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. There shall be only three divisions of personal actions :

First.—ACTIONS OF CONTRACT, which shall include those now known as actions of assumpsit, covenant, and debt, except for penalties.

Actions of contract.

Second.—ACTIONS OF TORT, which shall include those now known as actions of trespass, trespass on the case, trover, and all actions for penalties.

Actions of tort.

Actions of replevin.

Forms changed.

Substantial facts only.

One count for each cause, any number of breaches.

What counts and causes of action may be joined.

When account annexed may be used.

Trover abolished.

Written instruments, how declared on.

Third.—ACTIONS OF REPLEVIN.

SECT. 2. The forms of declaring, in personal actions, which have heretofore been used in this Commonwealth, shall be changed in the following particulars:

First.—The action shall be named in conformity with the above-described division.

Second.—No averment need be made which the law does not require to be proved.

Third.—Only the substantive facts necessary to constitute the cause of action need be stated, without unnecessary verbiage, and with substantial certainty.

Fourth.—One count only need be inserted for each cause of action, but any number of breaches may be assigned in each count, and when the nature of the case shall require it, breaches may be assigned in the alternative; but no two causes of action, not arising on the same contract, shall be embraced in any one count, except in the count on an account annexed as hereinafter provided.

Fifth.—Any number of counts for different causes of action, belonging to the same division of actions, may be inserted in the same declaration. Actions of contract and actions of tort shall not be joined; but when it is deemed doubtful to which of those classes of actions a particular cause of action belongs, a count in contract may be joined with a count in tort, averring that both are for one and the same cause of action.

Sixth.—The common counts shall not be used unitedly, as heretofore, but each one of those counts, in the form hereafter prescribed, may be used when the natural import of its terms correctly describes the cause of action.

Seventh.—A count on an account annexed in the form hereafter prescribed, may be used in an action of contract, when one or more items are claimed, either of which would be correctly described by any one of the common counts according to the natural import of its terms.

Eighth.—The form of declaration heretofore used in the action of trover is abolished, and in place thereof shall be used the form hereafter prescribed.

Ninth.—All written instruments except policies of insurance shall be declared on, or availed of, in the answer or subsequent allegation, by setting out a copy thereof, or of such part as is relied on, or the legal effect thereof, with proper averments to describe the cause of action or the defence. If the whole contract shall not be set out, a copy thereof, or the original, shall on motion of the adverse party be filed as the court shall direct; and where it may be necessary, the copy so filed shall be part of the record, if the court shall so order, as if oyer had been granted of a deed de-

clared on according to the common law; but no profert or excuse therefor need be inserted in any declaration. If the instrument relied on be lost or destroyed, or not in the power of the party who relies on it, he shall state the substance of it as nearly as he can, and state the reason why a copy is not given.

If lost, substance to be stated.

Tenth.—When a bond, or other conditional obligation, contract, or grant shall be declared on, or when any conditional obligation, contract, or grant shall be availed of in the answer or subsequent allegation, the condition shall be deemed part of the obligation, contract, or grant, and shall be set forth, and any breaches relied on shall be assigned; and the conditions precedent, if any, to the right of the party relying thereon, shall be averred by him to have been performed, or his excuse, if any, for the non-performance thereof stated. And in real actions founded on mortgage titles, the declaration shall allege the seizin to be “in mortgage.”

Bonds and other conditional contracts, how declared on.

In real actions on mortgage, seizin to be alleged.

SECT. 3. Persons severally liable upon contracts in writing, including all parties to bills of exchange and promissory notes, may all, or any of them, be joined in the same action. The declaration may include one count only, describing the several contracts of the defendants when the same contract was made by each or different counts, describing the different contracts of the defendants, when, as in the case of maker and indorser, the same contract was not made by all. The court shall take such order for the separate trial of the issues, if any, as shall be found most convenient, and shall enter several judgments according to the several contracts of the defendants, and issue one or more executions thereon, as the case may require.

Where several are liable as on bills of exchange and promissory notes, declarations in such cases.

Separate trials, proceedings in.

SECT. 4. In actions of contract, when either of the common counts is used, the plaintiff shall file a bill of particulars with his writ, when the action shall be entered, and in all cases the court may order either party to file a statement of such particulars as may be necessary to give the other party and the court reasonable knowledge of the nature and grounds of the action or defence. And whenever such bill of particulars shall be filed, the items therein shall be numbered consecutively, and it shall be deemed to be part of the record, and shall be answered or replied to as such.

Bill of particulars, how and when required.

SECT. 5. If the plaintiff shall fail to give evidence at the trial, in support of any count in the declaration not wholly or partly confessed by the answer, it shall forthwith be stricken out. And the court may, either of its own motion, or upon motion of a party, require unnecessary counts and statements to be stricken out of a declaration or any

Counts not proved may be stricken out.

Unnecessary counts likewise.

subsequent proceeding, and it may impose such terms as may be deemed reasonable.

No changes
except herein
expressed.

SECT. 6. None of the provisions herein contained shall be deemed to change any of the rules of evidence, or the measure of damages, or the jurisdiction of any court, or the locality of any action, except so far as the same may be herein specially provided for.

No declaration
in actions of
contract or
tort.

SECT. 7. In actions of contract and actions of tort, the writ need not contain any declaration, nor any description of the cause of action other than the name of the form of action in which it is intended to declare, unless an arrest of the person is made.

Declaration to
be filed first
day of court.

SECT. 8. The declaration shall be filed in the clerk's office on or before the day to which the writ is returnable; and if an attachment of property shall be made, the declaration and bill of particulars, when necessary, if not inserted in the writ, shall also be furnished to the defendant or his attorney within three days after he shall have demanded the same in writing of the plaintiff or his attorney.

If no declara-
tion in writ or
filed, discon-
tinued.

SECT. 9. If no declaration shall have been inserted in the writ, or filed pursuant to the eighth section, it shall be a discontinuance of the action. And the defendant or trustee may have judgment for costs.

Defendant to
be defaulted
last day, or
ten days, un-
less affidavit
filed of sub-
stantial de-
fence.

SECT. 10. In all actions at law in the supreme judicial court or court of common pleas, the court shall, at any time after ten days from the return day of the writ, or as of course on the last day of the return term, enter a default as against any defendant on whom legal service has been made, unless the defendant, or some one in his behalf, shall have filed within said ten days, or on or before the last day of said term when the same may not exceed ten days, an affidavit that he verily believes that the defendant has a substantial defence to the action on its merits, and intends to bring the same to trial: *provided, nevertheless*, that in any case, upon good cause shown, the time for filing such affidavit may be extended for such reasonable time as the court may order.

Judgment four
days from de-
fault, or last
day.

SECT. 11. It shall be competent for the court to enter up judgment, in all cases of default, at any time after four days from the day of such default, or judgment shall be entered, as of course on the last day of the term, unless otherwise ordered by the court.

General issue
abolished ex-
cept in real or
mixed actions.

SECT. 12. The general issue as heretofore used, in all actions except real and mixed actions, is abolished, and in place thereof the defendants shall file an answer to the declaration.

When several

SECT. 13. Two or more defendants making the same

defence may answer jointly. Different consistent defences may be separately stated in the same answer.

defendants
may join.

SECT. 14. The answer shall deny, in clear and precise terms, every substantive fact intended to be denied in each count of the declaration separately, or shall declare the defendant's ignorance of the fact, so that he can neither admit nor deny, but leaves the plaintiff to prove the same.

Substantive
facts denied or
ignorance
pleaded.

SECT. 15. In answering the common counts and the count on an account annexed, the defendant shall answer specifically every item contained in the bill of particulars, or account annexed, but he may make one and the same allegation or denial concerning any number of items to which such allegation or denial is applicable, specifying the number of the items thus answered together, when less than the whole. If the defendant shall deny that any item is due or payable, or that he owes the plaintiff as alleged, he shall state all the substantive grounds on which he intends to rest such denial, and shall specify whether some, and what part, or the whole of such item or demand, is denied.

Answers and
denials, when
and how made.

SECT. 16. In all cases in which a denial is made by answer, affidavit, or otherwise concerning a time, sum, quantity, or place alleged, the party denying shall declare whether such denial is applicable to every time, sum, quantity, or place, or not, and if not, what time, sum, quantity, or place he admits.

Must declare
whether whole
or part, and
what part, is
denied.

SECT. 17. To raise an issue in law, the answer shall contain the statement that the defendant demurs to the declaration, or to some one or more counts therein, as the case may be, and shall assign specially the causes of demurrer.

Demurrer.

SECT. 18. The answer shall set forth in clear and precise terms each substantive fact intended to be relied upon in avoidance of the action; and when the answer shall set up the statute of limitations, or the statute of frauds, or any other legal bar, the defendant shall not be deprived of the benefit of such defence by reason of his not denying the facts set forth in the declaration.

Each substan-
tive fact relied
on to be clear-
ly stated.

SECT. 19. No further pleading shall be required after the answer, except by order of the court as hereinafter mentioned. But the plaintiff may demur to the answer; and if the answer contains any new matter in avoidance of the action, such new matter shall be deemed to be denied by the plaintiff, or the court may, on motion of defendant, require the plaintiff to reply thereto, and state whether he admits or denies any, and if any, what part thereof. And the plaintiff may, if he pleases, without such order, at any time before trial, file a replication to said answer, clearly and specifically stating any facts in reply to the new matter

No pleading
after answer,
but by order of
court.

Plaintiff may
demur, and in
certain cases,
reply.

therein ; but the trial shall not be delayed for want of any reply to defendant's answer, unless by special order of the court.

Further pleading, demurrer, &c.

SECT. 20. The replication may raise an issue in law, by the statement that the plaintiff demurs to the answer, or to so much thereof as applies to one or more counts in the declaration, as the case may be, assigning specially the causes of such demurrer ; and in like manner, either party may demur to the allegation of the other party. But no defect of form merely, either in the declaration or subsequent allegation, shall ever be assigned as a cause of demurrer. The opposite party shall be deemed to join in demurrer if he shall not amend, which he may do within such time and upon such terms as the court may allow.

Causes of demurrer specified.

SECT. 21. Demurrers may be for the following, among other causes :

First.—That counts in contract, and counts in tort, or either with replevin, or a count in the plaintiff's own right, and a count in some representative capacity, are improperly joined in the declaration.

Second.—That the declaration, or some count thereof, as the case may be, does not state a legal cause of action substantially in accordance with the rules in this act contained.

Third.—That the answer does not state a legal defence to the declaration, or some count thereof, as the case may be, substantially in accordance with the rules in this act contained.

And the particulars in which the alleged defect consists shall be specially pointed out.

No motion in arrest of judgment for cause before verdict, except, &c.

SECT. 22. No motion in arrest of judgment for any cause existing before verdict, shall be allowed in any case where a verdict has been rendered, unless the same affects the jurisdiction of the court. And when the defendant has appeared and answered to the merits of the action, no defect in the writ or other process, by which he has been brought before the court, or in the service thereof, shall be deemed to affect the jurisdiction of the court.

When and how demurrers shall be heard and disposed of.

SECT. 23. Every demurrer may, in the first instance, be heard by a single justice, and, if taken in term time, during the same term, if practicable ; and his decision as to the verification of an allegation or the misjoinder of counts, shall be final, an amendment being allowed as hereinafter provided. But if the cause of demurrer shall be, that the facts do not in point of law support or answer the action, and the party against whom the decision shall be made shall not pray for leave to amend, the decision of such single justice shall not be final, but such demurrer may be further heard, upon appeal or otherwise, as is now provided

in respect to such questions of law. And when a demurrer shall be sustained, overruled, or withdrawn, the court shall make such order as may be fit, respecting the filing of an answer or replication, or a trial of the facts. If a demurrer shall appear to the judge who first hears the same, to be frivolous, immaterial, or intended for delay, he may, besides overruling the same, order the party to plead, or answer, or reply, notwithstanding such party shall claim the right to be further heard, by appeal or otherwise, on his demurrer, and thereupon the case shall proceed to a final judgment, as if no demurrer had been filed, and execution may be awarded or stayed on such terms as the court may deem reasonable, as in cases of exceptions adjudged frivolous.

Frivolous or immaterial demurrer may be overruled, &c., at discretion of judge.

SECT. 24. An answer or replication may allege facts which have occurred since the institution of the suit, and the plaintiff and defendant may be allowed by the court to make a supplemental declaration, answer, or replication, alleging material facts which have occurred or come to the knowledge of the party since the former declaration, answer, or replication.

Answer or replication may allege facts occurring since suit commenced.

SECT. 25. Either party may allege any fact or title alternatively, declaring his belief of one alternative or the other, and his ignorance whether it be the one or the other.

Facts may be alleged alternatively.

SECT. 26. The allegations and denials of each party shall be so construed by the court as to secure, as far as possible, substantial precision and certainty, and to discourage vagueness and loose generalities. Any substantive fact, alleged with substantial precision and certainty, and not denied in clear and precise terms, shall be deemed to be admitted; but no party shall be required to state evidence or to disclose the means by which he intends to prove his case.

Pleadings so construed as to give certainty and precision.

SECT. 27. Any defence to any real, personal, or mixed action which might have been made by plea in abatement, may hereafter be made by answer containing such allegations or denials as may be necessary to constitute such defence.

Plea in abatement, &c.

SECT. 28. No action shall be defeated thereby, if the defect found, be capable of amendment, and be amended on such terms as may be prescribed by the court; and if any issue of fact be found against the defendant, a final judgment shall be rendered against him, as is now required by law in case of a plea in abatement; and the defendant may have leave to amend such answer in abatement, or to answer over by special order of the court, for good cause shown, and not otherwise.

Action not to be defeated where defect can be amended.

When answer in abatement shall be over-ruled.

SECT. 29. When an answer in abatement shall be over-ruled on demurrer, or an amendment shall be allowed and made by the plaintiff in consequence of such answer in abatement, the defendant shall then answer, or, in a real, or mixed action, plead, to the merits, within such time as the court shall order.

In demurrer attorney shall declare it not intended for delay.

SECT. 30. When any demurrer shall be taken, the attorney, if any, shall certify at the foot of the demurrer, that he is of opinion that there is such probable ground in law for the demurrer as to make it a fit subject for judicial inquiry and trial, and that it is not intended merely for delay.

Suit shall be deemed at issue when plea is filed.

SECT. 31. A suit shall be deemed at issue when the allegations are closed, or, if the same be a real or mixed action, when the plea is filed.

Court may allow amendment in any stage; any necessary party may be joined as in chapter 100, R. S.

SECT. 32. In any stage of a suit, before final judgment, the court may allow any amendment to enable the plaintiff to sustain the action for the same cause for which it was brought, or to enable the defendant to make a legal defence thereto; and any necessary party may be brought before the court, and joined as a plaintiff or defendant in the manner provided in the one hundredth chapter of the Revised Statutes.

Cause of action; amendment; notice to parties; appeal, &c.

SECT. 33. The cause of action shall be deemed to be the same for which the action was brought, when it shall be made to appear to the court that, in point of fact, it is the cause of action relied on by the plaintiff when the action was commenced, however the same may be misdescribed; and the adjudication of the court allowing the amendment shall be conclusive evidence of the identity of the cause of action. But no subsequent attaching creditor or purchaser of any property attached in the suit or bail, or any person other than the parties to the record, shall be bound by such adjudication, unless he shall have had due notice of the application for leave to amend, and opportunity to be heard thereon, according to an order of notice to that effect to be issued by the court when applied for by the plaintiff, and such third parties shall have the right to except or appeal.

S. J. C. and C. C. P. may frame, promulgate, and alter necessary rules, &c.

SECT. 34. It shall be the duty of the supreme court and court of common pleas, respectively, to frame and promulgate, and from time to time, as may be needful, change rules prescribing the terms upon which amendments will be allowed by the court, or some justice thereof, or upon which unnecessary counts and statements will be stricken out of the record; which rules shall, as far as possible, be adapted to discourage negligence and deceit, to prevent delay, to secure parties from being misled, to place the party not in

fault as nearly as possible in the same condition he would have been in if no mistake had been made to distinguish between form and substance, and to afford known, fixed, and certain requisitions in place of the discretion of the court, or some justice thereof.

SECT. 35. All orders allowing amendments before trial, or a supplemental answer or replication, or enlarging time, and any other interlocutory order necessary to prepare the case for a trial, may be made either by the court while in session, or any justice thereof, in any county, either in term time or vacation; but the several courts shall prescribe such fixed rules respecting notice, and the times and places for motions at chambers, and other matters, as they shall from time to time deem necessary.

Certain orders, &c., preparatory for trial may be made in term time or vacation.

SECT. 36. Any of the orders mentioned in the preceding section may be entered by consent, in writing, signed by the parties or their attorneys; and all agreements of attorneys touching any suit or proceeding, shall be in writing; otherwise they shall be of no validity.

Any orders or agreements of parties in writing shall be valid, not otherwise.

SECT. 37. When the defendant relies on any claim by way of set-off, he shall file with his answer a declaration adapted to such claim, entitling it a declaration in set-off; and all the subsequent allegations respecting the same shall be governed by the rules herein prescribed, as if an action had been brought for such claim.

Declaration in set-off.

SECT. 38. When a writ of mandamus shall issue, the person required to make return to such writ shall make his return to the first writ of mandamus, and the person suing such writ, may, by an answer, traverse any material facts contained in such return, or demur thereto, and the parties having come to issue in the manner pointed out in this act, the same shall be tried, and if the party suing the writ shall maintain the issue on his part, his damages, if any, shall be assessed, and a judgment rendered that he recover the same with costs, and that a peremptory writ of mandamus be granted; otherwise, the party making the return shall recover his costs.

Writ of mandamus—proceedings.

SECT. 39. No action for a false return to a writ of mandamus shall hereafter be maintained.

No action for false return.

SECT. 40. The court may make rules, not only on a petition for a writ of mandamus, but upon and after the issuing of the first writ of mandamus, calling upon any person other than the party to whom such writ is prayed to be, or has been, directed, having or claiming any right or interest in the subject matter of such writ, to show cause against the issuing of such writ; and upon the appearance of such person, he shall be heard in such manner as the court may direct, and, in fit cases, may be allowed to frame and sign

Court may make rules before and after first writ.

the return to such first writ of mandamus, and to stand as the real party in the proceedings.

On admittance
of third party
—proceedings.

SECT. 41. In case any third person shall be admitted as the real party, as is provided in the preceding section, the proceedings on such writ shall not abate or be discontinued by the death, resignation, or removal from office, by lapse of time, or otherwise, of the person to whom such writ was directed, and any peremptory writ shall be directed to his successor.

When applica-
tion may be
made to S. J.
Court.

SECT. 42. Any person whose private right or interest has been injured, or is put in hazard by the exercise, by any private corporation, or any persons claiming to be a private corporation, of a franchise or privilege not conferred by law, whether such person be a member of such corporation or not, may apply to the supreme judicial court for leave to file an information in the nature of a *quo warranto*.

Such heard in
any county.

SECT. 43. Such application may be made and heard in any county where the court is in session, either by a single judge or the full court.

Application to
file informa-
tion summarily
heard.

SECT. 44. Upon the application for leave to file such information, the court shall take order for a summary hearing of the parties upon such application; and if there shall appear probable cause to believe that the party complained of has exercised a franchise or privilege not conferred by law, and that thereby the private right or interest of the complainant has been injured, or is put in hazard, leave shall be granted to file such information.

Such informa-
tion filed in
county of de-
fendant.

SECT. 45. Such information shall be filed in the county where the party defendant has its principal place of business; and a copy of the information, with an order of notice thereon, returnable, and to be served, when and as the court in such order direct, shall be served on the defendant.

Court may is-
sue injunction.

SECT. 46. The court shall have power, when leave is given to file such information, or at any time before final judgment, to issue a writ of injunction, restraining the party complained of, and its managers, servants, and agents, from exercising the franchise or privilege in question, until the further order of the court.

Judgment,
when complet-
ed, supported
for costs.

SECT. 47. If, upon such information, the attorney-general shall not have intervened, as is hereinafter provided, and it shall be determined that the party complained of has exercised a franchise or privilege not conferred by law, no judgment of forfeiture shall be entered, but the judgment shall be, that the corporation, if any, or the persons claiming to be a corporation, be perpetually excluded from such franchise or privilege, and that the directors, managers, or agents by whom such usurpation was made, do pay the legal costs of the proceeding, to be recovered by the complainant.

SECT. 48. If, upon such information, it shall be adjudged that the party complained of has not exercised any franchise or privilege not conferred by law, the defendant shall recover against the complainant the legal costs of the proceeding, which shall be the same as are allowed in actions at law.

Complaint not supported, defendant has costs.

SECT. 49. When an order of notice shall issue upon any such information, it shall be a part of such order, that a copy of such information be served on the attorney-general within such time as the court shall direct, and it shall be lawful for the attorney-general, when he shall have good reason to believe there has been a usurpation of a franchise or privilege not conferred by law, to intervene and demand a judgment of fine and forfeiture; and in such case he shall have the control of all future proceedings, and the court shall enter such judgment as may be required by the principles of the common law; but the complainant in such case shall no longer be responsible for costs.

Attorney-general to have notice.

His duty.

When plaintiff not responsible for costs.

SECT. 50. Nothing herein contained shall be deemed to affect the duty of the attorney-general hereafter to proceed *ex officio*, in all cases in which he may now so proceed by law, nor to deprive any individual of the right to file an information respecting the election or admission of an officer or member of a corporation.

Duty of attorney-general not affected.

SECT. 51. None of the foregoing provisions, except those contained in section eight, nine, ten, twenty-one, twenty-two, twenty-three, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six, shall be deemed applicable to real or mixed actions, unless specially named.

These provisions not applicable to real and mixed actions except as specified.

SECT. 52. Any person in possession of real property, claiming an estate of freehold, or an unexpired term of not less than ten years, may file a petition in the supreme judicial court, setting forth his estate, whether of inheritance for life or years, and describing the premises, and averring that he is credibly informed, and believes that the respondent makes some claim adverse to the estate of the petitioner, and praying that he may be summoned to show cause why he should not bring an action to try the alleged title, if any. And thereupon the court shall order notice to be given to the respondent, and upon return of such order of notice, duly executed, if the respondent so summoned shall make default, or, having appeared, shall disobey the lawful order of the court to bring an action and try the title, the court shall enter a decree that he be forever debarred and estopped from having or claiming any right or title adverse to the petitioner, to the premises described. If the petitioner

A possessor of real estate hearing and believing of an adverse claim may file petition for trial, &c.

Proceedings.

prefer, such a petition may be inserted like a declaration in a writ and served by copy like a writ of original summons.

If respondent appear and disclaim, he recovers cost—
Contra.

Proceedings.

SECT. 53. If the respondent shall appear and disclaim all right and title adverse to the petitioner, he shall recover his costs. If he shall claim title, he shall by answer show cause why he should not be required to bring an action and try such title, and the court shall make such decree respecting the bringing and prosecuting of such action as may seem equitable and just.

When action brought to foreclose mortgage or for possession.

SECT. 54. When any real action shall be brought to foreclose a mortgage, or for possession under the same, the court, or any justice thereof, may, on the application of the demandant, either in term time or vacation, and in any county, issue a writ of injunction to stay any waste committed or threatened by the defendant, or any one claiming under him, or acting by his permission, on the land mortgaged.

In all real or mixed actions, if demandant die before judgment.

SECT. 55. In all real and mixed actions, if the demandant shall die before final judgment, his devisee of the land demanded, or right of action, if any, at the same term when the death is suggested, or within such further time as the court shall allow, may appear and prosecute the suit in the same manner as if it had been originally commenced by him. And if the first estate in possession under the devise shall not be a fee simple, the devisee of the first freehold estate in possession shall have the right to appear and prosecute as aforesaid, and the judgment, if in his favor, shall be conformed to his title.

When person summoned as trustee, time to file answer, &c.

SECT. 56. Any person summoned as a trustee shall appear and file his answer within the four first days of the return term of the writ in any county except Suffolk, and in Suffolk within the first ten days of the return term, or during the return term if the court shall not sit ten days in Suffolk, or four days in any other county, otherwise he shall, on motion of the plaintiff, be defaulted and adjudged a trustee: *provided, however*, that the court may, upon good cause shown, enlarge the time of filing such answer, and such answer shall disclose as plainly, fully, and particularly as is practicable, what goods, effects, or credits of the principal defendant, if any, were in the hands or possession of said supposed trustee at the time of the service of the writ upon the same, and shall be sworn to by the trustee, or in case of a corporation, by its president, treasurer, cashier, or other proper officer.

Plaintiff may file written interrogatories. Answers must be filed in seven days.

SECT. 57. The plaintiff may, from time to time, examine the supposed trustee upon written interrogatories, filed in the clerk's office; and the answers thereto shall be sworn to and filed in the clerk's office within seven days after no-

tice to the said trustee or his attorney, of the filing of the said interrogatories, unless the court shall otherwise order. And if such answers are not so filed, the court may pass such order as the case may require.

SECT. 58. If any trustee shall be so defaulted, and a *scire facias* shall be sued and prosecuted against him, it shall be in the power of the court to make such order concerning the costs as they may now do when the supposed trustee is defaulted, according to the fifty-ninth section of the one hundred and ninth chapter of the Revised Statutes.

If trustee defaulted, court may proceed as in sect. 59, ch. 109 R. S.

SECT. 59. If any excessive attachment of goods or estate shall be made on a writ in any civil action, the defendant may apply in writing, in any county, to any justice of the court into which such writ is returnable, for a reduction of the amount of such attachment, and such justice shall order a notice to the plaintiff, returnable before himself or any other justice of the same court, where and as speedily as circumstances may permit; and if upon summarily hearing the parties it shall be found that the attachment is excessive, he shall order it to be reduced, or a part of the goods or estate to be released, and thereafter the attachment shall be deemed to be reduced or partially released, according to such order.

In case of excessive attachment—proceedings.

SECT. 60. No person offered as a witness shall be excluded from giving evidence, either in person or by deposition, in any proceeding, civil or criminal, in any court, or before any person having authority to receive evidence, by reason of incapacity from crime or interest; but every person so offered shall be admitted to give evidence, notwithstanding he may have an interest in the matter in question, or may have been previously convicted of any offence; but this act shall not render competent any party to a suit or proceeding who is not now by law rendered competent, nor the husband or wife of any such party. But nothing herein contained shall be deemed applicable to the attesting witnesses to any will or codicil. And the conviction of any crime may be shown to affect the credibility of any person testifying.

No person excluded as witness by crime or interest.

Witnesses to wills excepted.

Crime may affect credibility.

SECT. 61. In all civil actions the plaintiff may at any time after the entry of the action, and the defendant at any time after answer, or, if it be a real or mixed action, after plea, and before the case is opened to the jury, file in the clerk's office, interrogatories for the discovery of facts and documents material to the support or defence of the suit, to be answered on oath by the adverse party.

In civil actions plaintiff or defendant may file interrogatories to discover facts and documents.

SECT. 62. To all such interrogatories there shall be annexed an affidavit of the interrogating party or his attorney, to the effect that he has reason to believe that the party

Affidavit to be annexed to interrogatories.

interrogating will derive some material benefit in the action from the discovery which he seeks, if the same be fairly made, and that the discovery is not sought for the purpose of delay.

Answers to interrogatories to be filed in clerk's office.

SECT. 63. All such interrogatories shall be answered, and such answers filed in the clerk's office, within ten days after the same are notified to the party interrogated or his attorney, unless, upon cause shown, either before or after the lapse of ten days, further time should be allowed by the court.

No trial to be delayed, &c.

SECT. 64. No trial shall be delayed for the reason that interrogatories have been filed and the time allowed for answering the same has not elapsed, but the court may allow an examination during the trial, as is hereinafter provided.

Answers in writing and on oath.

SECT. 65. The answers shall be in writing, signed by, and upon the oath of, the party.

When a corporation is a party.

SECT. 66. If the party to any suit be a corporation, the opposite party may examine the president, treasurer, clerk, or any director or other officer of the corporation, in the same manner as if he were a party to the suit.

Each interrogatory shall be fully answered.

SECT. 67. Each interrogatory shall be answered separately and fully; the party interrogated may introduce into his answer any matter relevant to the issue to which the interrogatory relates.

How interrogatories containing matter impertinent may be answered.

SECT. 68. When any document, book, voucher, or other writing called for by any interrogatory, contains any matters not pertinent to the subject matter of the action, the answer may so state, and that such part has been sealed up or otherwise protected from examination, and thereupon such part shall not be inspected by the party interrogating; but such party may apply to the court and obtain an order to have liberty to inspect the part so protected from examination, or so much thereof as the court shall find, on hearing the parties, or, if necessary, by inspecting the part so protected, was improperly withheld and concealed.

What interrogatories may not be answered.

SECT. 69. The party interrogated shall not be obliged to answer any question or produce any document, the answering or producing of which would tend to criminate himself, or disclose his title to any property, the title whereof is not material to the trial of the action in the course of which he is interrogated, or to disclose the names of the witnesses by whom, or the manner in which, he proposes to prove his own case.

If answer contain irrelevant matter.

SECT. 70. If any answer shall contain irrelevant matter, or shall not be full and clear, or if any interrogatory shall not be answered, and the party interrogated shall refuse to expunge or amend, or to answer a particular interrogatory,

the court, or any justice thereof, on motion, may order such irrelevant matter to be expunged, or such imperfect answer to be made full and clear, or such interrogatory to be answered within such time as may seem reasonable.

Court may order, &c.

SECT. 71. When an answer shall be adjudged irrelevant or insufficient, or when a party shall be ordered to answer any interrogatory, the court may make such order respecting costs, either in the action or otherwise, as the court may by general rules direct, or as may be specially ordered in each case.

When answer adjudged irrelevant court may order, &c.

SECT. 72. If any party shall neglect or refuse to expunge, amend, or answer, according to the requisition of this act, the court may enter a nonsuit or default, as the case may require, and proceed thereon according to law.

When party shall refuse, &c., according to requisition.

SECT. 73. The answer of each party may be read at the trial by the other party as evidence; the party interrogated shall be entitled to require that the whole of the answers upon any one subject matter inquired of, shall be read, if any part of them shall be read; but if no part of them be read, the party interrogated shall in no way avail himself of his examination, or the fact that he has been examined.

Rules as to answers being read at trial.

SECT. 74. During the trial of any action, the court may allow interrogatories to be filed, to be answered forthwith, or with as little delay as practicable, and may suspend the trial for the purpose of having the same answered; but such interrogatories must be accompanied by an affidavit, stating the reasons why they were not filed earlier, and unless the court, upon the whole matter, shall find that due diligence has been used, the interrogatories shall not be filed.

Court may allow interrogatories to be filed during trial.

Affidavit to accompany such interrogatories.

SECT. 75. Neither the declaration, answer, nor any subsequent allegation, shall be deemed evidence on the trial, but allegations only whereby the party making them is bound.

Declaration, answer, &c., no evidence.

SECT. 76. The supreme judicial court and court of common pleas are severally authorized to make, and from time to time, as may be needful, to change, all such rules respecting the form of verdicts as they respectively may find necessary, to place upon the record the finding of the jury in matters of fact.

S. J. C. and C. of C. P. may make and change rules.

SECT. 77. On a writ of error in any civil action in which the defendant appeared and a verdict was rendered, no error in law shall be assigned other than such as may have occurred after verdict; and no judgment which is in conformity with the verdict shall be reversed because the same is not in conformity with the allegations of the parties. But nothing herein contained shall prevent either party from assigning any error affecting the jurisdiction of the court.

On writ of error—proceedings.

No judgment to be arrested or reversed for mistake in venue.

SECT. 78. No judgment shall be arrested or reversed on writ of error, in any civil action, by reason of any mistake respecting the *venue* of the action, whether such action be by law local, on account of its subject matter or any or all of its parties.

Judgment rendered where venue was erroneous, writ may be directed to officer of proper c'y.

SECT. 79. When judgment shall have been rendered in any local action brought in an erroneous *venue*, the court shall cause its writ of possession or other needful writ of execution to be directed to the sheriff of the proper county, or counties, so that the judgment may be duly executed.

Local action brought in an erroneous venue.

SECT. 80. When it shall appear on a trial that a local action has been brought in an erroneous *venue*, the court may, of its own motion, order a nonsuit to be entered, unless good cause shall be shown why the trial should be allowed to proceed.

No allowance hereafter for travel or attendance, but term fee.

SECT. 81. No allowance shall hereafter be made to any party in an action at law for attendance, but in place thereof there shall be taxed and allowed to the prevailing party the sum of four dollars in the supreme judicial court, and the sum of three dollars in the court of common pleas; if the action is not on the trial list, the sum of five dollars in the supreme judicial court, and the sum of four dollars in the court of common pleas, for each term while the action shall be on the trial list.

On removal of case from C. of C. P. to S. J. C., proceedings.

SECT. 82. In case of the removal of any action from the court of common pleas to the supreme judicial court on the affidavit of the defendant, or any one in his behalf, the same shall be immediately transferred, with the papers therein, to the clerk of the said supreme judicial court, and shall be by him forthwith entered in said court at the charge of the party so removing the same, and the case shall proceed as if it had been originally commenced in said court.

All actions to be returnable in sixty days.

SECT. 83. All writs of execution hereafter issued shall be made returnable in sixty days after their date.

The forms in the schedule in this act may be altered by S. J. Court.

SECT. 84. The forms contained in the schedule annexed to this act may be used in the several courts of this Commonwealth, subject to be changed and modified from time to time by the supreme judicial court, by general rules made for that purpose.

Proceedings in equity, evidence same as in law, except.

SECT. 85. In all proceedings in equity, the evidence shall be taken in the same manner as in suits at law, unless the court, for special reasons, shall otherwise direct; but this shall not prevent the use of affidavits where they are now allowed.

Act of 1851, &c., repealed, but no pending action to be affected.

SECT. 86. The two hundred and thirty-third chapter of the acts of the year 1851, entitled "An Act to amend some of the Proceedings, Practice, and Rules of Evidence of the

Courts of this Commonwealth," and the three hundred and twenty-fifth chapter of the acts of the same year, entitled "An Act concerning Proceedings and Practice in Civil Actions before Justices' Courts, Police Courts, Justices of the Peace, and Trial Justices," are hereby repealed; but the repeal shall not affect any action pending when this act takes effect, as far as relates to the previous proceedings therein, but every such action which shall then have been entered in the supreme judicial court or court of common pleas shall be transferred to the terms of said courts respectively, which shall then be in session, or shall next be holden in the county where the same is pending; and every action which shall have been then commenced, but not entered, shall be entered at and have day in the term commencing on the return day of the writ, or if no term of such court commences on that day, then at the term next thereafter; and the subsequent proceedings in every such action shall be according to the provisions of this act, except where the court shall otherwise order.

SECT. 87. The first, second, third, fourth, sixth, thirty-second, thirty-third, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, eighty-third, and eighty-fourth sections of this act shall apply to all civil actions before justices and police courts and justices of the peace.

Certain specified sections of this act to apply to civil actions before justices and police courts, &c.

SECT. 88. If the parties in any case agree to continue said case until the next term of said court, the same shall be continued accordingly: *provided, however*, that the court may, by any general or special order, regulate the place on the docket in which said case shall stand at the next term; and the parties to any action may make any agreement as to amendments, and as to the time of filing any papers in the case, which last-named agreement shall be equivalent to an order of the court to the same effect: *provided, however*, no such last-named agreement shall operate to postpone the trial of such action beyond the time at which, by the rules of the court, the same would be tried.

When parties agree to continue, case shall be continued.

SECT. 89. When any party to any suit or proceeding under this act, or the acts which are repealed by the same, is a corporation, all precepts, answers, replications, or other papers requiring the signature or oath of the party, may be signed or sworn to in behalf of said corporation by some officer or agent thereof specially authorized for that purpose.

When corporation is a party.

SECT. 90. In actions before such justices' courts, police courts, or justices of the peace as aforesaid, the interrogatories and answers provided for in the sixty-first, sixty-third,

In actions before justices' courts, police courts, &c.,

interrogatories and answers may be filed before them and not in clerk's office.

and sixty-fourth sections may be filed before the said courts or justices respectively, and not in the clerk's office, as mentioned in the said sections, and the interrogatories may be filed by either party at any time after the commencement of the action, and the answers shall be filed within such time as the said courts or justices of the peace respectively shall order.

Takes effect.

SECT. 91. This act shall take effect on the first Monday of August next.

SCHEDULE OF FORMS.

Forms of Declarations in Actions of Contract.

Commencement. To answer to A. B. of ———, in an action of contract.

If the plaintiff is a minor, and sues by *prochein ami*, or sues as administrator, or in any special character, it may be stated according to the established form. As it is not necessary to insert the declaration in the writ, it should be entitled, when filed separately, in the following form :

A. B.	}	Suffolk, C. C. Pleas.
vs.		
C. D.		

Plaintiff's declaration.

Count for money had and received.—And the plaintiff says, the defendant owes him one hundred dollars for money received by the defendant to the plaintiff's use.

Money lent.—And the plaintiff says, the defendant owes him one hundred dollars for money lent by the plaintiff to the defendant ;—

Goods sold.—Also, that the defendant owes him ——— dollars for goods sold by the plaintiff to the defendant ;—

Work.—Also, that the defendant owes him ——— dollars for work done by the plaintiff for the defendant ;—

Work and materials.—Also, that the defendant owes him ——— dollars for work done, and materials found, by the plaintiff for the defendant ;—

Board.—Also, that the defendant owes him ——— dollars for board and lodging furnished by the plaintiff for the defendant.

Freight.—For the carriage of certain goods by the plaintiff for the defendant.

Warehouse room.—For warehouse room furnished by the plaintiff for the storage of certain goods of the defendant.

Horse and carriage hire.—For the use of a certain horse and carriage hired of the plaintiff by the defendant.

Use and occupation.—For the use and occupation of a certain tenement hired of the plaintiff by the defendant.

Insimul computassent.—For the balance found due to the plaintiff by the parties, on accounting together.

Account annexed.—And the plaintiff says, the defendant owes him fifty dollars, according to the account hereto annexed.

Payee of Note against Maker.

And the plaintiff says, the defendant made a promissory note payable to the plaintiff or order, a copy whereof is hereto annexed. And the defendant owes the plaintiff the amount of said note and interest thereon.

On Note payable to Bearer.

And the plaintiff says, the defendant made a promissory note, a copy of which is hereto annexed ; payable to one G. H., or bearer. And the plaintiff is the bearer of said note, and the defendant owes him the amount of said note and interest thereon.

[If payments are indorsed on the note, the declaration should be varied as follows: "A copy whereof, with the indorsements thereon, is hereto annexed, and the defendant owes the plaintiff the balance of said note and interest thereon."]

If payments have been made which are not indorsed on the note, the allegation should be varied accordingly.]

By Indorsee against Indorser.

And the plaintiff says, that one C. D. made a promissory note, a copy of which with the indorsements thereon is hereto annexed, payable to the said E. F., or order; and the said E. F. indorsed the same to the plaintiff; and payment of said note was duly demanded of the said C. D., who neglected to pay the same, and due notice of its non-payment was given to the said E. F., and the said E. F. owes the plaintiff the amount of said note and interest thereon.

On a Bond with Condition to pay certain Debts of the Plaintiff, and to provide for his Support.

And the plaintiff says, the defendant executed to him a bond, a copy whereof is hereto annexed;

And the plaintiff says, he owed to one O. P. the sum of one hundred dollars on a promissory note (describing it) which the defendant neglects to pay;

Also, that he owed to one R. S. one hundred dollars, according to the account hereto annexed, which the defendant neglects to pay;

Also, that the defendant neglects to provide clothing for the plaintiff.

And the plaintiff has requested the defendant to pay said debts, and provide for his support as mentioned in said bond—

[To be inserted, if proof of the request is necessary.]

By Grantee against Grantor in a Common Deed of Warranty, for Breaches of Covenant.

And the plaintiff says, the defendant delivered to him a deed, a copy whereof is hereunto annexed;

And the defendant was not seized in fee of a part of the land described as follows (describing it), but the same was held adversely by one L. M.; and the residue of said land was not free from incumbrances, but was subject to a mortgage to one S. T., to secure the payment of six hundred dollars;

And the defendant has not warranted and defended the premises against the rightful claims of all persons, but one W. S. had a right of dower therein, and has compelled the plaintiff to assign the same to her.

On an Award.

And the plaintiff says, the parties, by their agreement in writing, a copy whereof is hereto annexed, referred the matters therein mentioned, to arbitrators; and the said arbitrators have made an award thereon in writing, a copy whereof is hereto annexed.

[Aver performance of condition by plaintiff, when necessary to be proved, and the non-performance by defendant, which is relied on.]

[If it is for the mere payment of money aver as follows,—]

And the defendant owes the plaintiff the amount of said award.

On a Promise to pay the Debt of another.

And the plaintiff says, that one E. F. owed him the sum of — for —, and the plaintiff was about to sue the said E. F. to recover the same;

And in consideration that the plaintiff would forbear to sue the said E. F., the defendant made an agreement to pay the same to the plaintiff, a copy whereof is hereto annexed; and the plaintiff did forbear to sue the said E. F., and the defendant owes him the said sum.

On an Agreement to convey Land on a certain day, Plaintiff to pay One Hundred Dollars Cash, and give a Note for Four Hundred Dollars, secured by a Mortgage of the Land.

And the plaintiff says the defendant made an agreement with the plaintiff, in writing, a copy whereof is hereto affixed ;

And on the ——— day of ———, the plaintiff tendered to the defendant one hundred dollars, and also a note for four hundred dollars (describing it), and a mortgage of said land, to secure the payment of said note, and demanded of the defendant a conveyance of said land (following the terms of the agreement).

For Breach of Promise of Marriage.

And the plaintiff says, that she and the defendant mutually promised to marry each other.

And she has always been ready to marry the defendant, but the defendant refuses to perform his promise.

Non-delivery of Goods sold.

And the plaintiff says he purchased of the defendant the following goods, viz. : ——— for the sum of one hundred dollars, to be paid therefor, on delivery thereof ; and the defendant promised to deliver the same on the ——— day of ———, at the defendant's store in ——— ;

And on the said day, the plaintiff demanded said goods at said store, and tendered to the defendant said sum of one hundred dollars in payment of the same ;

And the defendant refused to deliver the same to the plaintiff.

On Policies of Insurance.

1. On a ship for a total loss.

And the plaintiff says, the defendants made to him a policy of insurance, a copy of which is hereunto annexed, for the sum of ten thousand dollars, on the ship John, against the perils of the seas, and other perils therein mentioned, in a voyage from Boston to Cadiz, in Spain, and at and from Cadiz to her port of discharge in the United States ; and while proceeding on said voyage, the said ship was wrecked, and totally lost, by the perils of the seas ; and the defendants had notice of said loss on the ——— day of ———, and were bound to pay the amount of said loss to the plaintiff within sixty days after said notice ; and the defendants owe the plaintiff therefor the said sum of ten thousand dollars.

2. For a partial loss and contribution to a general average.

(State, as in the last count, to the description of the voyage inclusive.)

And in said policy, the defendants agreed, that in case of any loss or misfortune to said ship, it should be lawful for the plaintiff and his agents to labor for, and in the defence and recovery of, said ship, and that the defendants would contribute to the charges thereof in proportion as the sum assured by them should be to the whole sum at risk ;

And, while proceeding on said voyage, the said ship was, by the perils of the seas, dismasted, and otherwise damaged in her hull, rigging, and appurtenances, and it was necessary, for the preservation of said ship and her cargo, to throw over a part of her cargo, and the same was thrown over for that purpose, and the plaintiff was obliged to expend the sum of two thousand dollars for repairing said ship at Cadiz, and the sum of five hundred dollars, as a contribution for the loss occasioned by throwing over a part of said cargo ; and the ship suffered much other damage that was not repaired at Cadiz ;—and the defendants had notice of said loss and charges, on the ——— day of ———, and were bound by the terms of said policy to pay the same within sixty days after such notice, and the defendants owe the plaintiff therefor the sum of ——— dollars.

For a total loss of cargo by fire :

And the plaintiff says, the defendants made to him a policy of insurance for the sum of ten thousand dollars, on the cargo of the brigantine William, against the perils of fire and other perils therein mentioned, at and from Boston, and in a voyage from thence to Hainburgh, or any other port or ports in the north of Europe ; and while said brigantine was proceeding on said voyage, the said cargo was totally destroyed by fire ; and the defendants had notice of said loss on the ——— day of ———, and were bound by the terms of said policy to pay the plaintiff the amount of said loss ; and the defendants owe the plaintiff therefor the sum of ten thousand dollars.

Forms of Declarations in Actions of Tort.

Beginning.—To answer A. B., of ———, in an action of tort.

Trover.—And the plaintiff says, the defendant has converted to his own use one horse, the property of the plaintiff (or the goods mentioned in the schedule hereto annexed).

[The *ad damnum* is a sufficient allegation of damage in all cases in which special damages are not claimed.]

Deceit.—And the plaintiff says, the defendant sold to him ten bags of coffee, and to induce the plaintiff to buy the same the defendant falsely represented to him that said coffee was the property of the defendant ; and the plaintiff, believing that said representation was true, was thereby induced to purchase, and did purchase said coffee, and paid therefor to the defendant the sum of one hundred dollars ; and said coffee was not the property of the defendant, which the defendant then knew, but was the property of one A. S., who has taken the same from the plaintiff.

And the plaintiff says, the defendant sold him a horse, for which the plaintiff paid him one hundred dollars. And to induce the plaintiff to buy said horse, the defendant falsely represented to the plaintiff that said horse was sound, so far as the defendant knew ; and the plaintiff, believing that said representation was true, was thereby induced to buy, and did buy said horse : and said horse was not sound, but had a certain disease called ———, which the defendant then knew ;

And the plaintiff says, the defendant, to induce the plaintiff to sell property on credit to one S. C., falsely represented to the plaintiff, in writing, that the said S. C. was a man possessed of a large property, and able to pay his debts (a copy of which writing is hereto annexed). And thereupon, the plaintiff, believing said representation to be true, was induced to sell, and did sell, to said S. C., the goods mentioned in the account hereto annexed, and gave the said S. C. credit for the price of said goods, being ——— dollars, for the term of six months from the ——— day of ———. And the said S. C. was not a man of property, nor able to pay his debts, but was insolvent, which the defendant then knew. And the plaintiff has not been paid for said goods, and is unable to obtain payment therefor of the said S. C.

Negligence of Railroad Corporations.—And the plaintiff says, the defendants are a corporation, owning a railroad between A. and B. ; that plaintiff was a passenger on said railroad, and, by reason of the insufficiency of an axle of the car in which he was riding, the plaintiff was hurt ; that defendants did not use due care in reference to said axle, but plaintiff did use due care.

[This form may be varied to adapt it to many cases, simply by changing the allegation as to the cause of the accident. It is not intended to restrict a party to the statement of one cause, if there were several concurrent causes, and if the plaintiff is in doubt which of several different causes occasioned the accident, he may, under the twenty-fifth section, so declare.]

Negligence of Town.—And the plaintiff says, there is in the town of ——— a public highway leading from ——— to ———, which said defendants are bound to keep in repair;—that the same was negligently suffered by defendants to be out of repair, whereby the plaintiff, travelling thereon, and using due care, was hurt.

Obstructing Way.—And the plaintiff says, he owned a tract of land (describing it), and there was a way leading to the same from (here mention the other terminus) which the plaintiff had a right to use as a foot-way and carriage-way; and the defendant erected a fence across said way, and placed stones in the same, so that the plaintiff could not use the same.

Immoderate Riding.—And the plaintiff says, the defendant hired of him a horse to ride from Boston to Cambridge, and from thence back to Boston, in a proper manner; and the defendant rode said horse so immoderately that he became sick and lame, and was greatly injured in value.

Slander.—And the plaintiff says, that the defendant publicly, falsely, and maliciously accused the plaintiff of the crime of perjury, by words spoken of the plaintiff substantially as follows. [Here set forth the words—no innuendoes are necessary.]

[If the natural import of the words is not intelligible without further explanation or reference to facts understood but not mentioned, or parts of the conversation not stated, in either of those cases after setting forth the words, the declaration should contain a concise and clear statement of such things as are necessary to make the words relied on, intelligible to the court and jury in the same sense in which they were spoken. This rule is applicable to actions for written and printed, as well as oral, slander.]

Libel.—And the plaintiff says, the defendant caused to be published in a newspaper (describing it) a false and malicious libel concerning the plaintiff, a copy whereof is hereto annexed.

(Or if it be a picture, it may be described.)

Trespass to Person.—And the plaintiff says, the defendant made an assault upon him, and struck him on his head, and kept him imprisoned for the space of one day.

Trespass to Land.—And the plaintiff says, the defendant forcibly entered the plaintiff's close (describing it) and ploughed up the soil, &c., and took and carried away fifty bushels of the plaintiff's corn there being, and converted the same to his own use.

Penalty.—And the plaintiffs say, they had a turnpike-road (describing it), and the defendant passed on said road with a wagon, on which he carried a load of more than forty-five hundred pounds, and the fellows of said wagon were less than three inches and a half wide, whereby the defendant became liable to pay the plaintiffs three times the legal toll therefor, and the legal toll therefor is the sum of ———.

And the plaintiff says, the defendants had a turnpike-road (describing it), and the plaintiff was passing over the same, and through a turnpike-gate thereon (describing it), in a wagon drawn by one horse; and the defendants' toll-gatherer then demanded and received of the plaintiff fifty cents for toll, for passing through said gate with said horse and wagon, the legal toll for passing as aforesaid being only ten cents, whereby the defendants have forfeited to the plaintiff a sum not exceeding one hundred dollars.

And the plaintiffs say, they had an aqueduct (describing it), and the defendant maliciously injured said aqueduct by cutting off one of the pipes thereof, whereby the defendant became liable to pay the plaintiffs treble the amount of the damage thereby sustained by the plaintiffs; and the amount of said damage was ten dollars.

And the plaintiffs say, that the twentieth day of October last was the day of their cattle show and exhibition; and that by their officers they defined and fixed bounds of sufficient extent for the erection of

cattle-pens and yards, and for convenient passage-ways to and about the same, within which bounds no persons were permitted to enter and pass unless in conformity with the regulations of said officers: Of all which the defendant had notice; and after said notice, the defendant did enter and pass within said bounds, contrary to said regulations, whereby he has forfeited to the plaintiffs a sum not exceeding five dollars.

Answers in Abatement.

A. B. vs. C. D.

Suffolk, C. C. Pleas.

DEFENDANT'S ANSWER.

Coverture of Plaintiff.—And the defendant comes and says, that when the plaintiff's writ was sued out, the plaintiff was a married woman, and that E. F., her husband, was then alive, and therefore he ought not to be held to answer to the plaintiff's writ.

Nonjoinder.—And the defendant comes and says, that if he is indebted to the plaintiffs for the goods mentioned in their bill of particulars, he is indebted to them jointly with one G. H., who is still alive, and ought to be sued with him in the writ, and therefore he ought not to be held to answer to the plaintiff's writ.

Misnomer.—And the defendant comes and says, the plaintiff's name is John Stiles, and not James Stiles, and therefore he ought not to be held to answer to the plaintiff's writ.

Coverture of Defendant.—And the defendant comes and says, that when the plaintiff's writ was sued out, she was, and still is, a married woman, and that J. H., her husband, was then alive, and therefore she ought not to be held to answer to the plaintiff's writ.

Answers in Actions of Contract.

A. B. vs. C. D.

Suffolk, C. C. Pleas.

DEFENDANT'S ANSWER.

Money had and received.—And the defendant comes, and upon his personal knowledge denies that he received the money mentioned in the plaintiff's bill of particulars, or any part thereof;

(Or, if the case be so) admits that he received the money mentioned in the plaintiff's declaration, but denies that he received it to the plaintiff's use.

And the defendant comes and says, upon his personal knowledge, that he received the money mentioned in the plaintiff's bill of particulars, but upon his information and belief he denies that he received the same or any part thereof to the plaintiff's use.

And the defendant comes, and upon his personal knowledge denies that he has received to the plaintiff's use the money mentioned in the plaintiff's bill of particulars, except the sum of fifty dollars.

Statute of Limitations.—And the defendant comes and answers, that the cause of action mentioned in the plaintiff's writ did not accrue within six years before the suing out of the plaintiff's writ.

Payment.—And the defendant comes and answers, that he has paid the plaintiff the sum of — dollars, which was the full amount of the account stated in the plaintiff's bill of particulars.

If there are several items, add—And he annexes hereto a bill of particulars of said payment.

Account annexed. Goods sold and delivered.—And the defendant comes and answers as follows, viz.: as to the first ten items of the plaintiff's bill of particulars, upon his personal knowledge he denies that the plaintiff sold and delivered the same to the defendant.

As to the eleventh item, upon his personal knowledge he denies that the price was to be more than ten dollars.

Work.—As to the twelfth item, he is ignorant personally, and by information and belief, whether the plaintiff performed the day's labor there charged or not, and also of the price thereof, if any, so that he can neither admit nor deny the plaintiff's allegation, but leaves the plaintiff to prove the same.

Answers to a Promissory Note.

Promissory Note.—And the defendant comes and answers as follows:

He denies that he made the promissory note mentioned in the plaintiff's first count;

Minority.—And as to the note mentioned in the plaintiff's second count, he says that at the time of making the same, he was a minor under the age of twenty-one years.

Duress.—And as to the contract mentioned in the plaintiff's third count, he says that at the time of its execution he was kept in imprisonment by the plaintiff, and executed the contract through the force of that imprisonment.

Part Payment.—And the defendant comes and says, that he has paid the note mentioned in the plaintiff's writ, except the sum of fifty dollars, and

Tender.] before the plaintiff sued out his writ he tendered to the plaintiff said sum of fifty dollars, and now brings the same into court for the plaintiff.

Accord.—And the defendant comes and says, he delivered to the plaintiff one wagon, which the plaintiff received in full satisfaction of the note mentioned in the plaintiff's writ.

Res Judicata.—And the defendant comes and says, that at the supreme judicial court, held, &c., the plaintiff recovered judgment against the defendant for — dollars and — cents damages, and — for costs; and that said judgment was rendered upon the same cause of action mentioned in the plaintiff's first count.

Release.—And the defendant comes and says, the plaintiff executed to him a release, a copy whereof is hereto annexed, whereby he discharged the defendant from the cause of action mentioned in the second count.

To a Policy of Insurance.

Insurance.—And the defendants come and say, that they deny, upon information and belief, that the said loss was actually total, and they deny that any abandonment was made.

And the defendants come and say, they deny, upon information and belief, that the said vessel was seaworthy for the voyage in the said policy mentioned, at the inception of said voyage.

And the defendants come, &c. (as above), but deny, upon information and belief, that the said vessel was lost while proceeding on the voyage in the said policy described.

Forms of Answers in Actions of Tort.

Trover.—And the defendant comes, and, upon his personal knowledge, denies that the horse mentioned in the plaintiff's writ was the property of the plaintiff, and also denies that he converted the same to his own use.

And the defendant comes and says, that upon his personal knowledge he is ignorant, but upon his information and belief he denies, that the horse mentioned in the plaintiff's writ was the property of the plaintiff.

And the defendant comes, and, upon his knowledge and belief, admits that the said horse is the general property of the plaintiff, but avers that the defendant has a special property therein, by reason

of his having attached the same as the plaintiff's property, by virtue of a writ (here describe it), which writ was delivered to the plaintiff, who then was a deputy sheriff in the said county of —, for service, and the action is now pending: And so the defendant denies, upon his personal knowledge, that he has converted the said horse to his own use.

Deceit.—And the defendant comes, and, upon his personal knowledge, denies that he made said representation, knowing that the same was not true.

And the defendant comes and says, he has not personal knowledge, but, upon his information and belief, he denies that said horse was unsound, as stated in the plaintiff's declaration.

And the defendant comes, and, upon his personal knowledge, denies that he made the representation mentioned in the plaintiff's declaration. And he says, the said coffee was the defendant's property, and he had a right to sell the same.

Obstructing Way.—And the defendant comes and says, he has not personal knowledge, but, upon his information and belief, he denies that the plaintiff has a right of way, as set forth in his declaration.

And, upon his personal knowledge, he denies that he obstructed said way, as set forth in said declaration.

Slander.—And the defendant comes, and, upon his personal knowledge, denies that he accused the plaintiff of the crime of perjury, as set forth in the plaintiff's first count.

And as to the second count, he says, the plaintiff did feloniously steal, take, and carry away ten dollars, the property of one S. T., in the possession of said S. T. being found, and converted the same to his own use, and so the plaintiff was guilty of the crime of theft, and the defendant's accusation was true.

Assault and Battery.—And the defendant comes and says, the plaintiff first assaulted him, and he only defended himself.

And the defendant comes and says, the plaintiff was his apprentice, and deserted and ran away from him, and he retook the plaintiff and forcibly brought him back, using no more force than was necessary.

And as to the allegation that the defendant hurt and wounded the plaintiff, the defendant, upon his personal knowledge, denies the same.

Trespass quare Clausum.—And the defendant comes and says, that a part of the close mentioned in the plaintiff's writ was the soil and freehold of the defendant, the same being described as follows, &c.

Upon his own knowledge, he denies that he broke or entered any part of said close, except the part above described.

Replications.

Suffolk, C. C. P., February 1, 1851.

A. B. vs. C. D.

Limitations.—And the plaintiff replies as follows, viz.: He says, that within six years before the suing out of his writ, the defendant executed a writing, a copy whereof is hereto annexed, by which he acknowledged said debt, and agreed to pay the same.

He further says, the defendant has been absent from this Commonwealth for the space of three years last past.

Minority.—And the plaintiff replies that he is ignorant of the fact, so that he can neither admit nor deny that the defendant was a minor, as stated in his answer, but leaves the defendant to prove the same.

He further says, the articles mentioned in his bill of particulars were necessities for the defendant, and suitable to his estate and degree. [*Approved by the Governor, May 22, 1852.*]

Chap. 313 An Act to incorporate the Suffolk Mutual Loan and Accumulating Fund Association.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Robert Cowdin, S. S. Perkins, George Howland, their associates and successors, are hereby made a corporation, by the name of the Suffolk Mutual Loan and Accumulating Fund Association, in the city of Boston, for the purpose of collecting and accumulating a fund to be loaned on security of real estate, and on the conditions that may be agreed upon and prescribed by the by-laws of the corporation, to such contributors to said fund as may desire such loans for the purchase of homesteads and real estate; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Fund to be loaned on security to contributors.

Powers, liabilities, &c., as in ch. 44 R. S.

Number of shares not exceeding 1000.

When corporation shall terminate.

No dividend till termination of corporation and debts paid.

Corporation shall make annual statement of condition.

Debts not to exceed capital stock paid in. In case of excess directors held jointly and severally for all debts.

SECT. 2. The number of shares in this corporation shall not exceed one thousand. The par value of the shares shall not exceed eight hundred dollars each; and no member shall hold more than ten shares.

SECT. 3. This corporation shall terminate, except for the purpose of settling its affairs, whenever all its shares shall have been redeemed by loans or advances thereon; or whenever the funds and property of the corporation shall be sufficient to pay the holders of the shares upon which no loans or advances shall have been made, the value thereof, as it shall be fixed by vote of the members, or by the by-laws of the corporation, at the commencement of its business. And no dividend of principal or profit shall be made until such termination, and until all the debts of the corporation shall have been paid or secured to be paid.

SECT. 4. This corporation shall annually, in the month of January, publish in the city of Boston, in at least two newspapers, a statement, verified by the oaths of its president and secretary, showing its actual financial condition, and the amount of its property and liabilities, and shall also deposit a copy of said statement in the office of the secretary of the Commonwealth.

SECT. 5. The whole amount of the debts which this company shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the directors, under whose administration it shall happen, shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted so long as they shall continue in office.

SECT. 6. The association shall in no case loan its funds to any others than its own members; and no member shall receive any loan greater in amount than the value of the shares for which he may have subscribed. [*Approved by the Governor, May 22, 1852.*]

Loans to members only—to no one more than amount subscribed.

An Act to extend the jurisdiction of Justices of the Peace in Civil Actions. *Chap. 314*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The jurisdiction of the justices of the peace and justices of the police and justices courts within their respective counties, shall extend, concurrently with the jurisdiction of the court of common pleas, to all civil actions wherein the debt or damages demanded do not exceed the sum of one hundred dollars; and to all actions of replevin where the property alleged to be detained does not exceed in value the sum of one hundred dollars; excepting real actions, actions of trespass on real estate, actions for disturbance of a right of way, or of any other easement, and all other actions in which the title to real estate may be concerned: *provided*, that such actions shall be brought in the county where the defendant and trustees, if any, reside.

Justices of peace and police concurrent jurisdiction with C. C. P. in civil actions and replevin not exceeding \$100.

Except real actions and such as are connected with real estate.

SECT. 2. Either party to any civil action, wherein the debt or damage demanded exceeds twenty dollars, and all actions of replevin wherein the property alleged to be detained does not exceed in value one hundred dollars, before any justice of the peace or justice of any police or justices court, may, on the return day of the writ, demand a trial by jury, and the justice shall thereupon issue a writ of *venire facias* directed to the sheriff of the county or any of his deputies, or any constable of the town or city in which the court is held, requiring the attendance of six jurors from the said town or city, at such place in said town or city, and at such day and hour as he may think best, not exceeding twenty-one days from the date of the said writ of *venire facias*, and the same proceedings shall be had in regard to drawing and summoning jurors as in other cases, except that it shall be sufficient to summon the jury two days before the trial, and the jury so summoned may try any number of cases before the said justice, but shall not be detained more than fourteen days, except to finish a case commenced within that time, and judgment shall be entered according to the verdict of the jury.

In actions over \$20, trial by jury may be demanded as specified.

SECT. 3. The jury shall consist of six persons, who shall be sworn by the justice and empanelled, and shall then choose a foreman by ballot.

Six jurymen.

Trial by jury,
as in higher
courts.

SECT. 4. The trial by jury shall be had before the justice in the same manner, as nearly as may be, as trials are now had before the court of common pleas and supreme judicial court.

Duty and fees
of officer at-
tending.

SECT. 5. A sheriff or constable shall always attend jury trials before a justice, and said officer shall attend on the jury when they retire to make up their verdict, and his fees shall be one dollar a day for his attendance, and such other sum, not exceeding two dollars a day, for the use of rooms to hold the court in, as he may have to pay, to be allowed by the justice.

Deficiency in
number of jury,
how supplied.

SECT. 6. When, by reason of challenge or otherwise, a sufficient number of jurors, duly drawn and summoned, cannot be obtained for the trial of any cause, the justice shall cause jurors to be returned from the by-standers or the town, to complete the panel, which jurors shall be returned by the sheriff or constable.

Ch. 95 of R. S.,
as far as appli-
cable, extend-
ed to these
trials.

SECT. 7. The provision of chapter ninety-five of the Revised Statutes, so far as applicable, shall extend to jurors and trials before justices of the peace and justices of police courts.

Jurors fees
\$1.25 per day,
and travel six
cents per mile.

SECT. 8. The fees of the jurors, under this act, shall be one dollar and twenty-five cents for every day's attendance, and six cents for every mile's travel out and home, and the same, as well as the fees of the officer who summons the jury and attends on the court, including the charge for rooms to hold the court in, shall be certified by the justice or his clerk, and paid by the county treasurer.

Trial by justice
without salary
\$1.50.

SECT. 9. The justice who tries any case where there is a trial by jury, if not paid by a salary, shall receive for the trial of each case one dollar and fifty cents from the plaintiff, which sum shall be taxed in the bill of costs.

Jurymen's ex-
emption, when
and how.

SECT. 10. No person shall be exempted from serving on a jury in the supreme judicial court, or court of common pleas, in consequence of his having served as a juror before any justice of the peace, or in any justices or police court; and no person shall be compelled to serve as a juror before any justice of the peace, or justices, or police court, more than twenty-four days in any year.

Appeal not
prevented.

SECT. 11. Nothing in this act contained shall be so construed as to prevent an appeal from any judgment of any justice of the peace or police court in the manner now provided by law. [*Approved by the Governor, May 22, 1852.*]

An Act to incorporate the Northampton and Westfield Railroad Corporation.

Chap. 315

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel Williston, John Clarke, Noah L. Strong, Ira Yeomans, Jr., and Alfred L. Strong, their associates and successors, are hereby made a corporation by the name of the Northampton and Westfield Railroad Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter, and in that part of the thirty-ninth chapter of the Revised Statutes which relates to railroad corporations, and in the several statutes subsequently passed relating to such corporations; and said corporation is hereby empowered and authorized to locate, construct, and complete a railroad commencing at some point on the Connecticut River Railroad, within eighty rods of the station grounds of said railroad in the town of Northampton, passing thence through said Northampton, Easthampton, Southampton, and part of Westfield, to some point on the Western Railroad, within eighty rods of the station grounds of said railroad in said Westfield.

Corporators.

Powers, privileges, &c., as in chapter 44 and 39 R. S.

Empowered to locate and complete a railroad.

SECT. 2. Said corporation may enter upon and unite their railroad with the said Western and Connecticut River Railroads at such convenient points within the limits prescribed in the preceding section, as shall not interfere with the depot buildings of said roads, and may use said roads under the provisions and restrictions of the laws relating to railroads in this Commonwealth.

May unite with Western and Connecticut River Railroad.

SECT. 3. The capital stock of said corporation shall not exceed two thousand shares of one hundred dollars each, the number of which shall be determined by the directors of said corporation from time to time; and said corporation may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation. No share in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

Capital stock.

May hold real and personal estate.

No shares issued under par.

SECT. 4. If the location of said railroad shall not be filed, according to law, within two years, and if the said railroad shall not be constructed within three years from the passage of this act then this act shall be void.

Location filed in two years, railroad made in three years, or act void.

SECT. 5. The said corporation shall not commence the construction of their road, or any part thereof, until a certificate shall have been filed in the office of the secretary of

Not to commence till certificate filed; to be sub-

scribed and sworn to by president, treasurer, and majority of directors.

the Commonwealth, subscribed and sworn to by the president and treasurer of said company, and a majority of the directors thereof, stating that two thousand shares have been subscribed by responsible parties, and that twenty per cent. of the par value of each and every share has been actually paid into the treasury of the company.

May unite with Hampden Railroad.

SECT. 7. Said corporation and the Hampden Railroad Company are hereby authorized to unite in such a manner, and on such terms, as the respective corporations may agree. [*Approved by the Governor, May 22, 1852.*]

Chap. 316

An Act to provide for supplying the State Prison with Water.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Board of inspectors may lay pipes.

SECT. 1. The board of inspectors of the State prison is hereby authorized and empowered, in order to supply the State prison with water, to lay beneath any of the public streets, roads, and highways, or other ways in the city of Charlestown, all such pipes as they may deem proper in order to conduct the Cochituate water to the said prison, from the main pipe belonging to the city of Boston, which passes through the city of Charlestown.

May dig up any street for laying or repairing pipes.

SECT. 2. The said board of inspectors is hereby empowered to enter upon and dig up any such streets, roads, highways, or other ways, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary, or convenient and proper, in order to accomplish the objects set forth in this act; and for the purposes aforesaid, or any of them, they may employ any and all such agents under them as they shall deem expedient; and they shall well and sufficiently repair all such streets, roads, highways, or other ways, as may be so entered upon and dug up by them, and they shall repair all drains and sewers, either public or private, which they may disturb, to the reasonable satisfaction of all parties interested.

Penalty for obstructing, common jail six months or fine \$100.

SECT. 3. Any person who shall unlawfully hinder, obstruct, or impede the said board of inspectors, or any agent or agents employed by them, in their doing and performing any of the things by this act authorized to be done, shall be taken and deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the common jail, not more than six months, or by fine not exceeding one hundred dollars.

Takes effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 22, 1852.*]

An Act to establish the Chelsea Free Bridge Corporation.

Chap. 317

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Erastus Rugg, J. Stebbins, William Hawes, James H. Prince, their associates and successors, are hereby made a corporation by the name of the Chelsea Free Bridge Corporation, for the purpose of erecting a bridge across Mystic River, and for other purposes herein specified : and the said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, duties, liabilities, &c., as in chapter 44, R. S.

SECT. 2. Said corporation is hereby authorized to locate and construct a bridge across Mystic River, beginning at a point on the Salem turnpike in said Chelsea westerly of Chelsea bridge, and extending thence to the opposite shore of said river in the city of Charlestown at some convenient point westerly of said Chelsea bridge, together with a suitable road or way to connect said bridge with Chelsea and Charlestown aforesaid, and for that purpose to take a quantity of land extending the whole length of said bridge and ways, and not exceeding fifty feet in width, except for the erection of piers near the draw, and for such other piers as shall be necessary for the support of said bridge ; said land to be used only for the purpose of a bridge and ways aforesaid ; said bridge shall have two good and sufficient draws, the northerly draw to be not less than forty-six feet in width, and the southerly draw to be not less in width than the southerly draw in the Chelsea bridge, which draws shall be located by commissioners, to be appointed by the governor with the advice of the council, at the expense of said corporation ; and the said corporation shall construct a pier wharf near each of said draws, each side of said bridge, for the accommodation of vessels passing through the same, of such form and dimensions, and extending in such direction, as said commissioners shall direct and appoint ; said draws and wharves to be planked on the inside from the top of low water to the top of said draws and wharves, together with such other facilities and accommodations for the passage of vessels through said bridge as such commissioners shall direct to be made. Said bridge, draws, and wharves shall be built of good and sufficient materials, the bridge to be not less than thirty-two feet in width.

Location and construction described.

Erection of piers.

Two draws to be located by commissioners.

Pier wharves to be made according to direction of commissioners.

SECT. 3. Said corporation shall be held liable to keep said bridge and draws in good repair, and to raise the said draws and afford all necessary and proper accommodation

Corporation to keep bridge, &c., in repair.

Bridge to be lighted.

Damages for unreasonable delay.

Corporation to pay for lands taken.

Either party may claim trial by jury.

Same tolls as on Chelsea bridge, till amount sufficient to cover all costs, with \$40,000 for future support.

Corporation may raise \$50,000 by 500

to vessels having occasion to pass the same, by day and by night, and shall, when necessary, keep said bridge sufficiently lighted by lamps on each side of the same not exceeding seventy feet apart; and if any vessel shall be unreasonably delayed in passing said draw by the negligence of said corporation or their agents in discharging the duties enjoined by this act, the owners or masters of such vessels may recover reasonable damages therefor, of said corporation, in an action on the case before any court competent to try the same. ➤

SECT. 4. Said corporation shall be holden to make compensation to any person or corporation whose real estate shall be taken for the use of said bridge, and if there shall be a difference of opinion as to the value of the same, either party may apply to the court of common pleas in the county where such real estate lies, for a committee to estimate the damage such person, persons, or corporations will sustain; and upon such application, the court, after ten days' notice to the adverse parties to appear and show cause why such committee should not be appointed, shall, if no good reason be shown to the contrary, appoint three or five disinterested freeholders within the county, who, being first sworn before some justice of the peace, and giving due notice to the parties to appear, if they see fit, for a hearing, shall proceed to the duties of their appointment, and estimate the value of the real estate taken as aforesaid, and shall make return of their doings as soon as may be to said court; and upon acceptance of said report, judgment may be given thereon, with costs to either party, according to the discretion of the court: *provided*, that in all cases either party may claim a trial by jury, as in similar cases when lands are taken for public uses.

SECT. 5. Said corporation shall have the right to collect and receive the same rates of toll as are allowed by law to be received by the Salem turnpike and Chelsea bridge corporation: *provided*, that whenever the tolls collected on said Chelsea free bridge shall be sufficient to reimburse the proprietors for the cost of the real estate, and for the building of said bridge with six per cent. interest annually, and for all the expenses of the repairs upon said bridge, and all current and incidental expenses of its superintendence and management, leaving a fund of forty thousand dollars for the future support of said bridge, then the tolls on said bridge shall cease, and the bridge and funds shall revert to and be vested in the Commonwealth, to be maintained as a free bridge.

SECT. 6. Said Chelsea free bridge corporation are hereby authorized to raise, for the purpose of erecting said bridge

and roads, and for the purchase of real estate necessary for the same, the sum of fifty thousand dollars, by the creation of five hundred shares of stock of one hundred dollars each.

SECT. 7. Said Chelsea free bridge corporation shall have the right to purchase the present Chelsea bridge and the franchise thereof; and if the Salem turnpike and Chelsea bridge corporation shall, at a legal meeting, vote to sell their bridge and the franchise thereof to the Chelsea free bridge corporation at such price as may be agreed upon by the two corporations, or for such sum as three disinterested persons or a majority of them, one to be selected by the Chelsea free bridge corporation and one by the Salem turnpike and Chelsea bridge corporation, and the third to be selected by the two thus chosen, shall appraise the same to be worth, the Chelsea free bridge corporation shall assent thereto, and shall be bound to purchase the said bridge at the appraisal so made: *provided*, the said Salem turnpike and Chelsea bridge corporation shall transfer their bridge and the franchise thereof to the Chelsea free bridge corporation on or before the first day of October next. And the said Salem turnpike and Chelsea bridge corporation is hereby authorized to make the aforesaid transfer of their bridge and the franchise thereof.

Corporation may purchase Chelsea bridge in manner and on conditions here specified.

SECT. 8. If the Salem turnpike and Chelsea bridge corporation shall sell and transfer their bridge to the Chelsea free bridge corporation as herein provided; or if the said Chelsea free bridge corporation shall refuse to purchase the same in conformity to the foregoing provisions, then the authority conferred on the Chelsea free bridge corporation, by the second section of this act, to build a bridge, shall be void.

If owners of Chelsea bridge shall sell, or Chelsea free bridge corporation refuse to buy, then power to build is void.

SECT. 9. From and after the completion of the transfer of said bridge, the said Chelsea free bridge corporation shall have the right to collect and receive the same rates of toll that are now received by said corporation: *provided*, that whenever the tolls so received on said bridge shall be sufficient to reimburse the proprietors for the cost of said bridge, with six per cent. interest annually, and for all the expenses for the repairs upon the same, and all current and incidental expenses of the superintendence and management of the same, leaving a fund of forty thousand dollars for the future maintenance of the present Chelsea bridge, the tolls on said bridge shall cease, and the bridge so purchased, together with said fund, shall revert to and become the property of the Commonwealth, the said bridge to be maintained from said fund free of tolls.

After transfer of said bridge, same tolls may be taken.

Proviso.

SECT. 10. Said Chelsea free bridge corporation shall make an annual report in the month of January in each

Corporation to make annual report.

year, to the governor and council, of all receipts from toll or other sources, and of all expenses incurred for repairs and taking care of said bridge during the year next preceding, and shall further make a like report at any time when required by the governor, by and with the advice of the council.

Corporation
may raise
stock by shares
of \$100 each.

SECT. 11. Said Chelsea free bridge corporation is hereby authorized to raise, for the purpose of purchasing said bridge, an amount of stock equal to the amount paid for the purchase of the same, by the creation of a requisite number of shares of one hundred dollars each.

If Chelsea
bridge not pur-
chased as pro-
vided, or free
bridge and
roads not com-
pleted in four
years, act void.

SECT. 12. If the said present Chelsea bridge shall not be purchased as is herein before provided, or if the said Chelsea free bridge and the roads leading thereto shall not be completed and opened for travel within four years from the passage of this act, then the same shall be null and void. [Approved by the Governor, May 22, 1852.]

Chap. 318

An Act to allow the Auditor a further sum for Clerk Hire.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The auditor of accounts is hereby authorized to employ a clerk in his office permanently, at a salary not exceeding one thousand dollars per annum.

SECT. 2. The act of 1851, chapter 239, is hereby repealed.

SECT. 3. This act shall take effect on and after the first day of January, 1852. [Approved by the Governor, May 22, 1852.]

Chap. 319

An Act relating to Parishes and Religious Societies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any religious
society having
a house of pub-
lic worship be-
fore March 25,
1845, has, by
consent of pew
owners, benefit
of act of that
date relating to
religious socie-
ties.

SECT. 1. Any corporation for religious purposes, which shall have erected, or procured for public worship any meeting-house, prior to the twenty-fifth day of March, in the year one thousand eight hundred and forty-five, may avail themselves of the provisions of the general act passed under that date, entitled "An Act relating to Religious Societies": *provided*, that the consent of all the pew-owners in such meeting-house shall first be obtained thereto.

Takes effect.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 22, 1852.]

An Act to increase the Capital Stock of the Lowell Bleachery.

Chap. 320

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Lowell Bleachery is hereby authorized to increase its capital stock, by adding thereto three hundred thousand dollars, and to invest such portion thereof in real estate, not exceeding two hundred thousand dollars, as may be necessary and convenient to carry on the business for which the said company was incorporated. *[Approved by the Governor, May 22, 1852.]*

May add \$300,000.
May invest in real estate, not exceeding \$200,000.

An Act to Protect the Right of Suffrage.

Chap. 321

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If any person in this Commonwealth shall by bribery, or by threatening to discharge from his employment, or to reduce the wages of any person who shall then be laboring for him, or by a promise to give employment to any person then not laboring for him, or higher wages to any person laboring for him, attempt to influence any qualified voter in this Commonwealth to give his vote or ballot in any election in this Commonwealth, or to withhold his vote or ballot in any election of this Commonwealth, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine not exceeding three hundred dollars, or by imprisonment in the county jail or house of correction, for a term not exceeding one year, or both, at the discretion of the court before whom such person shall be tried. *[Approved by the Governor, May 22, 1852.]*

If any person shall by bribery or threatening attempt to influence any voter, he shall be punished by fine or imprisonment, or both.

An Act concerning the Manufacture and Sale of Spirituous or Intoxicating Liquors. Chap. 322

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No person shall be allowed at any time to manufacture for sale, or to sell by himself, his clerk, servant, or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, except as is hereinafter provided.

No intoxicating liquors to be manufactured or sold except as herein.

SECT. 2. The selectmen of any town, and the mayor and aldermen of any city, on the first Monday of May annually, or as soon thereafter as may be convenient, may

Agents for selling intoxicating liquors for medical, chem-

ical, and mechanical purposes, may be annually appointed with salaries.

May be removed.

Agent to receive a certificate after bond, with sureties in \$600.

Form of bond.

appoint some suitable person or persons as agent or agents of such city or town, to sell at some central or convenient place or places, within said city or town, spirits, wines, or other intoxicating liquors, to be used for medicinal, chemical, and mechanical purposes, and no other; and such agent or agents shall receive such fixed and definite salary, not dependent in amount upon the sales, for his or their services, as the board appointing him or them shall prescribe, and shall, in the sale of such liquors, conform to such rules and regulations as the selectmen and mayor and aldermen aforesaid shall prescribe for that purpose; and every such agent shall hold his situation for one year from the time of his appointment, unless sooner removed by the board which appointed him, as he may be at any time, at the pleasure of said board.

SECT. 3. Every agent, appointed as aforesaid, shall receive a certificate from the mayor and aldermen, or selectmen, by whom he has been appointed, authorizing him, as agent of such city or town, to sell intoxicating liquors for medicinal, chemical, and mechanical purposes only, at such place within their respective town or city as by them shall be deemed suitable, which place shall be designated with precision in said certificate, but such certificate shall not be delivered to the person so appointed until he shall have executed and delivered to said board a bond, with two good and sufficient sureties, in the sum of six hundred dollars, in substance as follows:

Know all men that we ———, as principal, and ——— and ———, as sureties, are holden and stand firmly bound to the inhabitants of the town of ———, (or city, as the case may be), in the sum of six hundred dollars, to be paid unto them, their successors or assigns, to which payment we bind ourselves, our heirs and executors, or administrators, firmly by these presents. Sealed with our seals and dated this ——— day of ———, A.D. ———. The condition of this obligation is such, that whereas the above bounden ——— has been duly appointed an agent for the town of ———, to sell within, for, and on account of said town or city, intoxicating liquors for medicinal, chemical, and mechanical purposes, and no other, until the ——— day of ———, A.D. ———, unless sooner removed from said agency. Now, if the said ——— shall, in all respects, conform to the provisions of law relating to the business for which he is appointed, and to such rules and regulations as now are, or shall, from time to time, be established by the board making the appointment, then this obligation to be void; otherwise to remain in full force. And the selectmen, and mayor and aldermen, shall keep a

record of the names and certificates, in full, of all persons by them appointed, as aforesaid, which record shall be open to public inspection at all reasonable times, and they shall, as soon after the appointment of said agents as practicable, furnish a list of said names to the county commissioners of the several counties, and mayor and aldermen of the city of Boston.

Record of appointments for public inspection.

SECT. 4. The commissioners of the several counties, and the mayor and aldermen of the city of Boston, on the first Monday of May annually, or as soon thereafter as practicable, may authorize such persons as shall apply to them, in writing, to manufacture spirituous or intoxicating liquors, at a suitable place or places within their respective county or city, and sell the same in quantities not less than thirty gallons, to be exported out of the Commonwealth, and for mechanical and chemical purposes, or in any quantity to duly authorized agents of the towns and cities; and such authority, given as aforesaid, shall continue for the term of one year from the date thereof, unless sooner revoked for cause, or annulled as hereinafter provided and specified.

Licenses may be given to manufacture and sell for exportation, and for mechanical, medicinal, and chemical purposes.

Such authority good one year.

SECT. 5. Every person authorized, as aforesaid, shall receive a certificate from the county commissioners, or the mayor and aldermen by whom he is authorized, giving him authority to manufacture and sell spirituous and intoxicating liquors, as aforesaid, at such place, within their respective county or city, as by them shall be deemed suitable, which place shall be designated with precision in such certificate; but such certificate shall not be delivered to such person until he shall have executed and delivered to said board a bond, with two good and sufficient sureties, in the sum of six thousand dollars, in substance as follows:

Certificate shall designate precise place of sale, bond \$6,000, with sureties.

To give bond.

Know all men that we, ———, as principal, and ——— and ———, as sureties, are holden and stand firmly bound to the inhabitants of the county of ——— (or city, as the case may be), in the sum of six thousand dollars to be paid unto them, their successors, or assigns, to which payment we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly with these presents; sealed with our seals, and dated this ——— day of ———, A.D. ———.

Form of bond.

The condition of this obligation is such, that whereas the above bounden ——— has been duly authorized to manufacture spirituous or intoxicating liquors at ———, in the town or city of ———, and county of ———, and sell the same in quantities not less than thirty gallons, to be exported out of the Commonwealth, or for mechanical and chemical purposes, or in any quantity to duly authorized agents of towns and cities, as by law provided, until the

—— day of ——, A.D. ——, unless such authority be sooner revoked or annulled.

Now, if the said —— shall, in all respects, conform to the provisions of law relating to the business which he is authorized, as above, to pursue, and shall violate no law of the Commonwealth touching the manufacture and sale of spirituous or intoxicating liquors, then this obligation to be void, otherwise to remain in full force; and if any person so authorized and bound shall commit any breach of the conditions of his bond, his certificate shall thereupon be null and void, and he shall not thereafter be authorized or permitted to manufacture or sell spirituous or intoxicating liquors.

Bond violated,
license an-
nulled.

County com-
missioners and
mayor and al-
dermen of Bos-
ton keep re-
cord of all per-
sons author-
ized.

SECT. 6. The commissioners of the several counties, and the mayor and aldermen of the city of Boston, shall keep a record of the names, residences, and certificates, in full, of all persons by them authorized to manufacture and sell, as hereinbefore provided, and also the names and residences of all agents of towns and cities, furnished them by the selectmen and mayor and aldermen, as provided in section third, which record shall be open to public inspection at all reasonable times; and they shall furnish a list of said names, with their residences, to all persons authorized by them to manufacture and sell spirituous or intoxicating liquors, and to all agents of towns and cities whose names have been furnished them as aforesaid, or who are in any way known to them.

First convic-
tion, \$10 and
cost, and bond
\$1000.

SECT. 7. If any person by himself, his clerk, servant, or agent, shall at any time sell any spirituous or intoxicating liquor, or any mixed liquor, part of which is spirituous or intoxicating, in violation of the provisions of this act, he shall forfeit and pay, on the first conviction, ten dollars and the cost of prosecution, and shall stand committed until the same be paid, and shall be required to give bonds in a sum of not less than one thousand dollars that he will not, within one year from such conviction, violate any law of the Commonwealth concerning the sale of spirituous or intoxicating liquors: on the second conviction he shall pay twenty dollars and the costs of prosecution, and shall stand committed until the same be paid; and if it be more than one year from the first conviction, he shall be required to give like bonds as on said first conviction: on the third and every subsequent conviction, he shall pay twenty dollars and the costs of prosecution, and shall be imprisoned in the common jail or house of correction not less than three nor more than six months: and in default of payment of fines and costs prescribed in this section for the first and second convictions, the convict shall not be entitled to the benefit of any

Second, \$20
and cost, &c.

Third, \$20 and
cost, and im-
prisonment
three to six
months, &c.

of the acts of the Commonwealth for the relief of poor prisoners, committed on execution for debt, or concerning poor debtors, or relating to the discharge of poor debtors committed on execution for debt, until he shall have been imprisoned two months; and in default of payment of fines and costs provided for the third and every subsequent conviction, he shall not be entitled to the benefit of said acts concerning poor debtors, or for the relief of poor prisoners, or relating to the discharge of poor debtors, as cited above, until he shall have been imprisoned in the jail or house of correction three months. And if any clerk, servant, or agent, or any other person in the employment or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction shall suffer the same penalty. And where any act in violation of the provisions of this section has been committed by any clerk, servant, or agent, or other person as aforesaid, upon the premises of another, the names of all the parties implicated, either as principal or as clerk, or other person, may be included in the same complaint, warrant, or indictment, and all the parties may be tried at the same time, and judgment shall be rendered accordingly, and each person so implicated and convicted shall incur the fines and forfeitures provided for the offence.

Clerk or agent selling, same as principal.

All may be tried same time, on one complaint.

And two or more acts of violation of the provisions of this section may be alleged in the same complaint or indictment, and be tried at the same time, and conviction thereon, or on any of them, shall operate upon the defendants in the same manner as if the actions had been upon separate complaints, and the convictions had at separate trials.

Two or more offences may be tried together.

SECT. 8. Any forfeiture or penalty arising under the above section may be recovered in an action of debt, brought in the name of the city or town where the offence was committed, or by complaint before any justice of the peace or judge of any police court in the county where the offence was committed, and the forfeiture so recovered shall go to the town or city where the convicted party resides; and the prosecutor, or complainant, may be admitted as a witness in the trial, and in all actions of debt arising under this section, the fines and forfeitures suffered by the defendant shall be the same as if the action had been by complaint. And it shall be the duty of the mayor and aldermen of any city, and the selectmen, or any one of them, of any town, to commence an action in behalf of said city or town, against any person guilty of a violation of any of the provisions of this act, on being informed of the same, and being furnished with reasonable proof of the fact.

Action of debt.

Complainant may be witness.

Duty of mayor and aldermen or selectmen to prosecute.

Appeal.

Recognize
\$100 and sure-
ties.

All forfeits go
to town or city.

On breach of
bond by agent,
duty of mayor
and aldermen,
or selectmen to
notify party,
prosecute, and
if guilty, re-
voke.

Broken bonds
to be put in
suit.

On breach of
bond by manu-
facturer, duty
same.

SECT. 9. Every person convicted under this act by any justice of a police court, or justice of the peace, may appeal from the sentence to the court of common pleas, or, in the county of Suffolk, to the municipal court, then next to be holden in the same county; and such appellant shall be committed to abide the sentence of the said court until he shall recognize to the Commonwealth in the sum of not less than one hundred dollars, with two good and sufficient sureties, with condition to appear at the court appealed to, and there to prosecute his appeal, and to abide the sentence of the court thereon, and that he will not, during the pendency of such appeal, violate any of the provisions of this act. The forfeitures of all bonds and recognizances given in pursuance of this act, shall go to the town or city where the offence was committed.

SECT. 10. The mayor and aldermen of any city, and the selectmen of any town, whenever complaint shall be made to them that a breach of the conditions of the bond given by any person appointed as agent of said city or town, under this act, has been committed, shall notify the person complained of, and if, upon a hearing of the parties, it shall appear that any breach has been committed, they shall revoke and make void his appointment. And whenever a breach of any bond, given to the inhabitants of any city or town in pursuance of the provisions of this act, shall be made known to the mayor and aldermen, or selectmen, or shall in any manner come to their knowledge, they shall, at the expense and for the use of said city or town, cause the bond to be put in suit in any court proper to try the same.

SECT. 11. The commissioners of counties, and the mayor and aldermen of the city of Boston, whenever complaint shall be made to them that a breach of the conditions of the bond given by any person authorized for their respective county or city, under this act, to manufacture and sell spirituous or intoxicating liquors, as provided in the fourth and fifth sections of this act, has been committed, shall notify the person complained of, and if upon a hearing of the parties it shall appear that any breach of such bond has been committed, they shall revoke and make void his authority. And whenever a breach of any bond given by a manufacturer to the inhabitants of any county, or of the city of Boston, in pursuance of any of the provisions of this act, shall be made known to the mayor and aldermen of the city of Boston, or to the commissioners of the county where the offence is said to have been committed, or shall in any manner come to their knowledge, they shall, at the expense and for the use of said city or county, cause the bond to be put in suit in any court proper to try the same.

SECT. 12. No person shall be allowed to be a manufacturer of any spirituous or intoxicating liquors for sale, or a common seller thereof, without being duly appointed or authorized as aforesaid, on pain of forfeiting, on the first conviction, one hundred dollars and the costs of prosecution, and in default of payment thereof, the person so convicted shall be imprisoned sixty days in the common jail or house of correction, and shall be required to give bonds in a sum of not less than two thousand dollars, that he will not, within one year from such conviction, violate any law of the Commonwealth concerning the manufacture or sale of spirituous or intoxicating liquors; and on the second conviction, the person so convicted shall pay the sum of two hundred dollars and costs of prosecution, and in default of payment shall be imprisoned four months in the common jail or house of correction; if it be more than one year from the first conviction, he shall be required to give like bonds as on said first conviction; and on the third and every subsequent conviction, he shall pay the sum of two hundred dollars, and shall be imprisoned four months in the common jail or house of correction, in the county where the offence was committed; said penalties to be recovered before any court of competent jurisdiction, by indictment or by action of debt in the name of the city or town where the offence shall have been committed. And whenever a default shall be had of any recognizance arising under this act, *scire facias* shall be issued, returnable at the next term, and the same shall not be continued unless for good cause satisfactory to the court. And three several sales of spirituous or intoxicating liquors, either to different persons or to the same person, shall be sufficient to constitute a violation of this section; and delivery in or from any store, shop, warehouse, steamboat or other vessel, or any vehicle of any kind, or any building or place other than a dwelling-house, shall be deemed *prima facie* evidence of a sale; and a delivery in or from a dwelling-house, with payment or promise of payment, either express or implied, on, before, or after such delivery, shall be held to constitute a sale within the meaning of this act. And if any clerk, servant, or agent, or any other person in the employment, or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction shall suffer the same penalty; and where any act in violation of the provisions of this section has been committed by any clerk, servant, or agent, or other person as aforesaid, upon the premises of another, the names of all the parties implicated, either as principal, clerk, or other person, may be included in the same complaint and warrant and indictment.

Penalty for unlawful manufacturing or selling without license; first conviction.

Second conviction.

Subsequent conviction.

Penalty, how recovered.

On default, proceedings.

Three sales to constitute a common seller.

Violation by servant or agent, penalty same as principal.

Principal and servant may be tried together.

ment, and all the parties may be tried at the same time, and judgment to be rendered accordingly; and each person so implicated and convicted shall incur the fines and forfeitures provided for the offence; and two or more acts of violation of the provisions of this section may be alleged in the same complaint or indictment, and be tried at the same time, and conviction thereon, or on any of them, shall operate upon the defendants in the same manner as if the action had been upon separate complaints, and the convictions had at separate trials; *provided*, that nothing in this act shall be construed to prevent the manufacture or sale of cider for other purposes than that of a beverage; or the sale and use of the “fruit of the vine” for the commemoration of the Lord’s supper.

Several acts may be in one complaint.

Cider and wine for specified purposes excepted.

Cases under this act to have precedence.

Nol. pros. or continuance not to be entered, except.

Search warrants for suspected liquors, when and how granted.

When liquors found, seized.

Dwelling-houses exempt, unless

SECT. 13. All cases arising under this act, whether by action, indictment, or complaint, which shall come before any court, either by appeal or original entry, shall take precedence in said court of all other business, except those criminal cases in which the parties are actually under arrest, awaiting a trial; and the court and the prosecuting officer shall not have authority to enter a *nolle prosequi*, or to grant a continuance in any case arising under this act, either before or after the verdict, except where the purposes of justice may require it, and a *nolle prosequi* shall not be entered by the prosecuting officer, except with the concurrence of the court.

SECT. 14. If any three persons, voters in the town or city where the complaint shall be made, shall, before any justice of the peace, or judge of any police court, make complaint under oath or affirmation, that they have reason to believe, and do believe, that spirituous or intoxicating liquors are kept or deposited, and intended for sale, by any person not authorized to sell the same in said city or town, under the provisions of this act, in any store, shop, warehouse, or in any steamboat or other vessel, or in any vehicle of any kind, or in any building or place in said city or town, said justice or judge shall issue his warrant of search to any sheriff or deputy sheriff, or city marshal or deputy marshal, or to any constable, who shall proceed to search the premises described in such warrant; and if any spirituous or intoxicating liquors are found therein, he shall seize the same, and convey them to some proper place of security, where he shall keep them until final action shall be had thereon; and such liquors so seized, together with the implements of the traffic, shall be used in evidence against any person charged with the unlawful manufacture or sale of spirituous or intoxicating liquors; but no dwelling-house shall be searched, unless one of said complainants shall

make oath or affirmation that he has reason to believe, and does believe, that such liquors have been sold therein, by the occupant thereof, or by his consent or permission, within the time of one month of making such complaint, and are then kept therein for sale; and shall, in his oath or affirmation, state the facts and circumstances on which such belief is founded; which facts and circumstances shall be sufficient, in the judgment of the magistrate before whom complaint is made, to reasonably induce said belief; and the owner or keeper of said liquors seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned forthwith before the justice or judge by whose warrant the liquors were seized, and if he fail to appear, or unless he can prove that said liquors are of foreign production, that they have been imported under the laws of the United States, and in accordance therewith, that they are contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe, or are kept for sale by authority derived under this act, or are otherwise lawfully kept, they shall be declared forfeited, and shall be destroyed by the authority of the written order to that effect of said justice or judge, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer, by whom they shall have been destroyed, in attesting that fact upon the back of the order by authority of which it was done; and the owner or keeper of said liquor shall pay a fine of twenty dollars and costs, or stand committed for thirty days, in default of payment, if, in the opinion of said court, said liquors shall have been kept or deposited for sale contrary to the provisions of this act. And if the owner or possessor of any liquors seized in pursuance of the provisions of this section, shall set up the claim that they have been regularly imported under the laws of the United States, and that they are contained in the original packages, the custom-house certificates of importation, and proofs of marks on the casks or packages corresponding thereto, shall not be received as conclusive evidence that the liquors contained in said packages are those actually imported therein.

on oath that
occupant has
sold liquors,
&c.

Proceedings in
such case.

When liquors
forfeited, to be
destroyed.

Owner fined
\$20 and costs.

SECT. 15. If the owner, keeper, or possessor of liquors, seized under the provisions of this act, shall be unknown to the officer seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages, as near as may be, for two weeks, by posting up a written description of the same in some public place, that if such liquors are actually the property of any city or town in the State, and

When owner
of liquors seized
is unknown,
how advertised
and what pro-
ceedings.

were so at the time of their seizure, purchased for sale by the agent of said city or town, for medicinal, chemical, or mechanical purposes, only, in pursuance of the provisions of this act, or the property of some person duly authorized to manufacture and sell such liquors under this act, and were lawfully in his possession at the time of such seizure, or were otherwise lawfully kept, they may not be destroyed; but upon satisfactory proof of such ownership or lawful possession, within said two weeks, before the justice or judge by whose authority said liquors were seized, said justice or judge shall deliver to the agent of said city or town, or person authorized or possessed as aforesaid, an order to the officer having said liquors in custody, whereupon said officer shall deliver them to said agent or person, taking his receipt therefor on the back of said order, which shall be returned to said justice or judge.

If owner appeal, to give bond.

SECT. 16. If any owner or keeper of liquors, seized as aforesaid, shall appeal from the justice or judge by whose authority the seizure was made, he shall give a bond in not less than two hundred dollars, with two good and sufficient sureties, to appear at the court appealed to, and there to prosecute his appeal, and to abide the sentence of the court thereon, and that he will not, during the pendency of such appeal, violate any of the provisions of this act, or, in default of such bond, he shall stand committed to abide the sentence of the court appealed to; and in case of such appeal, if the final decision shall be against the appellant, that such liquors were intended by him for sale, contrary to the provisions of this act, then such liquors shall be destroyed, as provided in section fourteen. But nothing contained in this act shall be construed to prevent any chemist, or artist, or manufacturer, in whose art or trade they may be necessary, from keeping at his place of business such distilled liquors as he may have occasion to use in his art or trade, but not for sale.

If decided against him, liquor to be destroyed.

Who may keep liquors.

Duty of officers to seize liquors for sale in shanties, huts, &c., on public days.

SECT. 17. It shall be the duty of any mayor, alderman, selectman, city marshal, or deputy marshal, sheriff, deputy sheriff, or constable, if he shall have information that any intoxicating liquors are kept or sold in any tent, shanty, hut, or place of any kind for selling refreshments in any public place on or near the grounds of any cattle show, agricultural exhibition, military muster, or any public occasion of any kind, to seize such liquors and arrest the keeper or keepers of such place, and take them forthwith, or as soon as may be, before some justice of the peace, or judge of some police court, with the liquors so found and seized, and upon proof and complaint that such liquors are intoxicating, that they were found in the possession of the accused,

in a tent, shanty, or other place, as aforesaid, he or they shall be sentenced to the county jail or house of correction thirty days; and the liquors so seized shall be destroyed by order of said justice or judge.

SECT. 18. If any person arrested under the preceding section, and sentenced as aforesaid, shall claim an appeal, he shall give a bond in a sum not less than one hundred dollars, with two good and sufficient sureties, to appear at the court appealed to, there to prosecute his appeal, and to abide the sentence of the court thereon, and that he will not, during the pendency of such appeal, violate any of the provisions of this act, or in default of such bond, stand committed to abide the sentence of the court appealed to. In any suit, complaint, or indictment, or other proceeding against any person for a violation of any of the provisions of this act, other than for the first offence, it shall not be requisite to set forth particularly the record of a former conviction, but it shall be sufficient to allege briefly that such person has been convicted of a violation of the seventh section of this act, or as a manufacturer, or common seller, as the case may be; and such allegation in any civil or criminal process, in any stage of the proceedings, before final judgment, may be amended without terms and as a matter of right.

Increase of appeal, bond \$100, and sureties required.

Notice of former conviction sufficient in any subsequent proceeding.

May be amended.

SECT. 19. All payments or compensations for liquors sold in violation of law, whether in money, labor, or personal property, shall be held and considered to have been received in violation of law, without consideration, and against law, equity, and good conscience; and in any action, either at law or equity, touching such money, labor, or personal estate, the purchaser and also the seller of such liquors may be a witness for either party. And no action of any kind shall be had or maintained in any court in this Commonwealth, for the recovery or possession of intoxicating liquors, or the value thereof, except such as are sold or purchased in accordance with the provisions of this act.

Payments for violation, how considered.

Purchaser and seller witnesses for either party.

SECT. 20. This act shall take effect in sixty days from and after its passage; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; such repeal, however, not to affect any action or process that may have been commenced under any existing law, before this act goes into effect. [Approved by the Governor, May 22, 1852.]

Take effect in sixty days.

No pending action affected.

SECRETARY'S OFFICE.

By the 256th chapter of the acts of 1851, entitled "An Act to provide for the Change of Names of Persons," it is provided that "the judges of probate for the several counties shall annually, in the month of December, make a return to the office of the secretary of the Commonwealth of all changes of names made under and by virtue of this act, and such returns shall be published in a tabular form, with the statutes of each year." And the following returns are all that have been received at this department in accordance with said act:—

October 25, 1851. William Henry Magrath, of Roxbury, takes the name of William Gray. Decreed by Sherman Leland, judge of probate for the county of Norfolk.

November 4, 1851. Joseph McQuid, of Amesbury, takes the name of Joseph Walton. Decreed by D. A. White, judge of probate for the county of Essex.

December 23, 1851. Julia Ardelia Thurston, of Southwick, takes the name of Julia Ardelia Thurston Allen. Decreed by Thomas Kinnicutt, judge of probate for the county of Worcester.

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

Resolve concerning Louis Kossuth.

Chap. 1

Resolved, That his excellency the governor be authorized and empowered, in the name and behalf of the people of this Commonwealth, to invite Louis Kossuth to visit this capital during the present session of the Legislature. [Approved by the Governor, January 10, 1852.]

Invitation by governor.

Resolve in favor of Teachers' Institutes.

Chap. 2

Resolved, That there be paid, annually, out of the treasury, the sum of twelve hundred and fifty dollars, in addition to the sums heretofore granted, for the purpose of defraying the expenses of Teachers' Institutes, and for increasing their number, under the direction of the board of education, and that his excellency the governor be authorized to draw his warrant accordingly. [Approved by the Governor, January 30, 1852.]

\$1250 annually, in addition.

Resolve authorizing the Treasurer to borrow Money in anticipation of the Revenue.

Chap. 3

Resolved, That the treasurer of this Commonwealth be, and he hereby is authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or of any corporation therein, or of any individual or individuals, such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next General Court, and that he repay any sum he may borrow, as soon as money sufficient for the purpose, and not other-

Any necessary sum, not exceeding \$200,000, unpaid.

wise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not at any time exceed the sum of two hundred thousand dollars. [*Approved by the Governor, February 4, 1852.*]

Chap. 4

Pay of members, clerks, &c.

Resolve for the Pay of the Legislature and its Officers monthly.

Resolved, That there be paid out of the treasury of the Commonwealth, to each member of the Legislature, at the end of every month during its session, the sum of fifty dollars: *provided*, it shall appear by the certificate of the clerk of either house that the pay of the member for the month, at two dollars per day, amounts to that sum, not including travel. Also, that there be paid to the clerks, messengers, doorkeepers, and pages of the two houses, a proportionate sum, upon producing the proper certificate. And his excellency the governor is hereby authorized to draw his warrant on the treasurer for a sum not exceeding one hundred thousand dollars, for the purpose above specified. [*Approved by the Governor, February 6, 1852.*]

Governor may draw warrant for \$100,000.

Chap. 5

Each member \$2 per day, and travelling expenses.

Resolve for the pay of the Council, Senate, and House of Representatives.

Resolved, That there be paid out of the treasury of this Commonwealth, to each member of the senate and house of representatives, two dollars for each and every day's attendance during the present political year; and two dollars for every ten miles' travel from their respective places of abode, once in each session, to the place of the sitting of the General Court; and also, to each member of the council two dollars for each and every day's attendance at that board, at every session thereof during the present political year, and two dollars for every ten miles' travel from their respective places of abode, once in each session thereof; and to the president of the senate and the speaker of the house of representatives, each two dollars a day for every day's attendance, in addition to their pay as members, and that warrants be drawn accordingly on the orders of the respective branches. [*Approved by the Governor, February 6, 1852.*]

President of senate and speaker of house \$2 per day extra.

Chap. 6

\$30 per ann. for three years.

Resolve on the Petition of Martin Wheelock.

Resolved, For reasons set forth in the said petition, that there be allowed, and paid out of the treasury of the Commonwealth, to Martin Wheelock, of Gardner, in the county of Worcester, the sum of thirty dollars a year, for the term of three years, from the twelfth day of June, in the year

one thousand eight hundred and fifty-one, should he live so long, and that warrants be drawn therefor accordingly. [*Approved by the Governor, February 6, 1852.*]

Resolve for the payment of interest on School Fund to the Town of Norton.

Chap. 7

Resolved, That there be paid to the treasurer of the town of Norton, in this Commonwealth, from the income of the Massachusetts School Fund, the sum of ninety-five dollars and sixty-seven cents, being the sum to which said town was entitled from the income of the fund for the past year, but which was omitted, in the distribution made during that year, by mistake in the examination of the return of said town. [*Approved by the Governor, February 6, 1852.*]

\$95.67 due last year, and omitted by mistake.

Resolve for paying the current expenses of the State Reform School.

Chap. 8

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the State Reform School, to enable them to defray the current expenses of the said school for the present year, the sum of twenty thousand dollars, in manner following, to wit: the sum of five thousand dollars forthwith, and the remainder in three equal quarterly payments, the first of such payments to be made on the first day of April next, and that warrants be drawn accordingly. [*Approved by the Governor, February 12, 1852.*]

\$20,000 for this year, quarterly.

Resolves concerning the Printing for the Commonwealth.

Chap. 9

Resolved, That the secretary of the Commonwealth, and the clerks of the senate and house of representatives, be directed to contract with White & Potter, to execute the printing for the various departments of the Commonwealth, at the rate of thirty-five cents for the composition of each thousand ems, for plain work, and seventy cents for rule and figure work, and sixty-five cents for printing and dry pressing each token of two hundred and fifty sheets of medium paper: *provided*, that satisfactory bonds, to the amount of five thousand dollars, be given by said printers, for the faithful fulfilment of the terms of the said contract.

Secretary of the Commonwealth, clerks of senate and house, authorized to contract with White & Potter as State printers at the rates here specified.

Resolved, That the said contract shall be dated on the first day of March, in the current year, and shall be substantially the same as the form of contract at present existing with Dutton & Wentworth.

Resolved, That all laws and resolves, inconsistent with the foregoing, are hereby repealed. [*Approved by the Governor, March 2, 1852.*]

Chap. 10

Resolve in favor of the Hampshire Agricultural Society.

Preamble.

WHEREAS, the Hampshire Agricultural Society, incorporated in the year one thousand eight hundred and fifty-one, in the course of the last year established a fund, agreeably to the provisions of the Revised Statutes, and awarded premiums in October last, on the supposition that the bounty of the Commonwealth would be paid to it, as to other agricultural societies, which, from previous existence, have made returns prescribed by law; therefore,

Resolved. That there be paid out of the treasury of the Commonwealth, to the Hampshire Agricultural Society, such sums as the said society would have been entitled to receive, agreeably to the provisions of the laws respecting agricultural societies, had its existence admitted of an annual return, in the month of January, in the year one thousand eight hundred and fifty-one: and the governor is hereby authorized to draw a warrant for the same, accordingly. [*Approved by the Governor, March 5, 1852.*]

Such sums as the society would have received had their existence admitted of annual returns.

Chap. 11

Resolve granting Taxes for the several Counties.

Schedule of tax for each county in the State.

Resolved. That the sums placed against the names of the several counties, in the following schedule, are hereby granted as a tax, for each county, respectively, to be assessed, paid, collected, and applied, according to law, namely: county of Essex, fifty-five thousand two hundred dollars: county of Middlesex, eighty-three thousand two hundred and sixty-four dollars: county of Worcester, fifty thousand dollars: county of Hampshire, fourteen thousand dollars: county of Hampden, twenty-eight thousand dollars: county of Franklin, ten thousand dollars: county of Berkshire, eighteen thousand dollars: county of Norfolk, forty-three thousand dollars: county of Plymouth, sixteen thousand dollars: county of Bristol, thirty thousand dollars: county of Barnstable, seven thousand five hundred dollars: county of Dukes, two thousand five hundred dollars. [*Approved by the Governor, March 8, 1852.*]

Chap. 12

Resolve in favor of Ruth Roberts, administratrix on the estate of John Roberts, deceased.

Resolved, For reasons set forth in her petition, that there be allowed and paid out of the treasury of the Commonwealth, to Ruth Roberts, of Somerville, administratrix on the estate of John Roberts, late of said Somerville, deceased, the sum of two hundred and forty-two dollars and fifty-three cents: being the sum paid by said John Roberts, in his lifetime, on a judgment upon a forfeited recognizance,

\$422 53 paid on forfeited recognizance.

in favor of the Commonwealth, recovered on the twenty-fourth day of July, in the year one thousand eight hundred and forty-nine, in the supreme judicial court for the county of Suffolk. [*Approved by the Governor, March 15, 1852.*]

Resolve for the relief of Elisha G. Woodward and the heirs of John Roberts, deceased.

Chap. 13

Resolved, That the attorney-general be, and he hereby is, directed to discharge Elisha G. Woodward, of Boston, and the heirs and administrators of John Roberts, late of Somerville, deceased, from all liability, by reason of a judgment upon certain forfeited recognizances, recovered by the Commonwealth, on the twenty-fourth day of July, in the year one thousand eight hundred and forty-nine, in the supreme judicial court for the county of Suffolk. [*Approved by the Governor, March 15, 1852.*]

Discharged from certain forfeited recognizances.

Resolve in favor of Elisha G. Woodward.

Chap. 14

Resolved, For reasons set forth in his petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Elisha G. Woodward, of Boston, the sum of forty-two dollars and fifty-three cents: being the sum paid by the said Woodward on a judgment upon a forfeited recognizance, in favor of the Commonwealth, recovered on the twenty-fourth day of July, in the year one thousand eight hundred and forty-nine, in the supreme judicial court for the county of Suffolk. [*Approved by the Governor, March 15, 1852.*]

\$42.53 paid on forfeited recognizance.

Resolve authorizing the Land Agent to sell lands in Maine to actual settlers.

Chap. 15

Resolved, That the land agent of this Commonwealth be, and he hereby is, authorized to sell and convey to actual settlers, for settling purposes, suitable tracts of land in Maine, belonging to this Commonwealth, for such consideration as he may deem reasonable, provided nothing in this resolve shall authorize the land agent to sell and convey settling lots, in any townships owned jointly by Maine and Massachusetts, except to settlers who have equitable claims for the conveyance of the same already existing. [*Approved by the Governor, March 18, 1852.*]

May sell for considerations deemed reasonable, except, &c. &c.

Chap. 16

Resolve in aid of the State Library.

§1000 appropriated.

Resolved, That the sum of one thousand dollars be, and the same hereby is, appropriated out of the treasury of the Commonwealth, for the purpose of supplying deficiencies and completing sets of important works in the State Library, under the direction of the trustees thereof; and that warrants be drawn therefor accordingly. [*Approved by the Governor, March 18, 1852.*]

Chap. 17

Resolve for the compilation of a Manual for Arms with percussion locks.

Adjutant-general may compile manual of instruction.

Resolved, That the adjutant-general is hereby authorized to compile a manual of instruction for arms with percussion locks, according to the system prescribed by Scott for the government of the army, and to supply each field, staff, and company officer of the volunteer militia of the State with one copy. [*Approved by the Governor, March 18, 1852.*]

Chap. 18

Resolve concerning the Election of Delegates to the Philadelphia Convention, to be holden on the fourth day of July, in the year one thousand eight hundred and fifty-two.

WHEREAS, a communication has been received from the select and common councils of the city of Philadelphia, proposing to hold a convention of delegates from the *thirteen States* of one thousand seven hundred and seventy-six, on the fourth day of July next, in the hall where the Declaration of Independence was made, for the purpose of considering the expediency of erecting in the grove belonging to said hall "one or more" monuments commemorative, respectively, of the States and of the men, parties to that declaration; therefore,

Two delegates by Legislature.

Resolved, That two delegates to said proposed convention be chosen by this Legislature in convention of both branches, and that his excellency the governor be authorized to draw his warrant for the payment of their necessary expenses. [*Approved by the Governor, March 26, 1852.*]

Chap. 19

Resolve in relation to the Protection of Cape Cod Harbor.

Senators and representatives in Congress to use influence to procure appropriation.

Resolved, That the senators from this Commonwealth, in the Congress of the United States, be instructed, and the representatives be requested, to use their influence in endeavoring to procure an appropriation for the purpose of preventing the destruction of Cape Cod Harbor in this State.

Governor to transmit copy to each.

Resolved, That his excellency the governor be, and he is hereby, requested to transmit to each of the senators and

representatives of this Commonwealth in Congress a copy of the foregoing resolution, and also the report of the committee of the Legislature appointed to investigate that subject. [*Approved by the Governor, March 26, 1852.*]

Resolve on the Petition of Luke Baldwin.

Chap. 20

Resolved, For the reasons set forth in said petition, that the title to a certain parcel of land, with the appurtenances, situated in Roxbury, in the county of Norfolk, described in a deed from Henry Timmins, executor to the said Luke Baldwin, dated February eleventh, one thousand eight hundred and forty-three, and recorded with Norfolk deeds, lib. 139, fol. 197, to which reference is to be had, be, and the same hereby is, confirmed to the said Luke Baldwin, his heirs and assigns, and that he and they shall hold the said land in fee simple forever. [*Approved by the Governor, March 26, 1852.*]

Title to real estate in Roxbury confirmed.

Resolve on the Petition of Francis Parkman, Trustee.

Chap. 21

Resolved, For the reasons in the said petition set forth, that Francis Parkman, of Boston, trustee, be, and he is hereby, authorized and empowered to sell, either at public or private sale, for cash or on credit, and to convey in fee simple by a good and sufficient deed, discharged from all trusts and liability for the application of the purchase money, the premises described in the said petition, being a certain piece of land with a brick store thereon, situated on Central street, in said Boston, numbered thirty and thirty-two in the range of buildings on the north side of said street, and bounded and measuring as follows, viz. : southerly, in front, on said street, and there measuring twenty-one feet and eight inches; westerly on a line running through the centre of the partition wall which divides this estate from the adjoining estate and land belonging to said Francis Parkman, and there measuring forty-five feet and three inches; northerly on a passage-way leading from Kilby street, and there measuring twenty feet and three inches; and easterly on a line running through the centre of the partition wall which divides this estate from the land and warehouse of the heirs of Edward Blake Parkman, and there measuring about forty-three feet,—being the same premises which were conveyed to said Francis Parkman and the late George Parkman, deceased, as joint tenants in trust, by Robert G. Shaw, by deed dated February sixteenth, eighteen hundred and twenty-nine, and recorded with Suffolk deeds, lib. 336, fol. 115, together with all the right conveyed

Trustee to sell and convey in fee simple certain real estate described.

by said deed to the land lying northerly of said premises, being part of the passage-way above named; and also, all the other rights, privileges, and appurtenances to said premises belonging: *provided, however*, that the said Francis Parkman shall first give such bond, with sureties, to the judge of probate for the time being, of the county of Suffolk, as the said judge shall approve, with condition faithfully to execute the power above conferred, and to pay and divide the net proceeds of the sale of said premises to and among the several persons who are entitled thereto, under the indenture referred to in the deed aforesaid from Robert G. Shaw, according to their respective shares, proportions, and interests under said indenture. [*Approved by the Governor, March 26, 1852.*]

Bond to judge of probate.

Chap. 22 Resolve on the joint Petition of the Howard Benevolent Society, the American Unitarian Association, and the President and Fellows of Harvard College.

Commonwealth releases all claim to certain real estate devised to said corporations by H. Lienow.

Resolved, That the Commonwealth of Massachusetts doth hereby release to the Howard Benevolent Society, the American Unitarian Association, and the President and Fellows of Harvard College, and their several successors, all rights and claims which the said Commonwealth may have in or to certain real estate devised to the aforesaid corporations, in and by the last will and testament of Henry Lienow, late of Boston, deceased, according to the prayer of the aforesaid petitioners, and in the proportions, and to the uses, set forth in the last will, aforesaid. [*Approved by the Governor, March 27, 1852.*]

Chap. 23 Resolve in relation to the State Arsenal at Cambridge.

Adjutant-general may erect a dwelling-house for keeper of arsenal.

To be paid for as specified.

Resolved, That the adjutant-general be authorized to erect within the grounds of the arsenal, at Cambridge, a brick dwelling-house, with a slate roof, for the use and occupation of the keeper of said arsenal, the cost thereof which shall not exceed the sum of twenty-five hundred dollars, to be paid from the proceeds of the sale of such property, in the adjutant and quartermaster-general's department, as may be ordered by the governor and council. [*Approved by the Governor, March 30, 1852.*]

Chap. 24 Resolve for the repair of the Wharf at Captain's Island.

Adjutant-general to cause repair.

Resolved, That the adjutant-general cause the wharf at Captain's Island to be repaired, and that his excellency the governor, by and with the advice of the council, be, and he hereby is, authorized to draw his warrant on the treasury

for such sum as may be necessary for the purpose aforesaid.
[Approved by the Governor, March 30, 1852.]

Resolve on the Petition of Jonathan P. Earle.

Chap. 25

Resolved, For reasons set forth in said petition, that Jonathan P. Earle, of Hubbardston, in the county of Worcester, administrator of the estate of Alpheus Earle, late of said Hubbardston, deceased, be allowed and authorized to file, in the court of probate for said county, his affidavit, and a copy of his notice of a sale, by him, as said administrator of real estate of said Alpheus Earle, in pursuance of a license of said court, granted on the second day of October, one thousand eight hundred and forty-nine, and that the same shall be as effectual to perpetuate the evidence of the time, place, and manner of giving such notice, as though the same had been done by him, within one year after the sale thereof, provided said affidavit and copy be so filed within six months from the passage of this resolve.
[Approved by the Governor, March 30, 1852.]

May file in probate affidavit and notice of real estate, to perpetuate evidence as effectual as if done in one year.

Resolve on the Petition of the Overseers of the Poor of the Town of Grafton.

Chap. 26

Resolved, For reasons set forth in the petition, that there be paid to the treasurer of the town of Grafton, out of the treasury of this Commonwealth, the sum of sixty-one dollars and forty-two cents, in full, for the support of William A. Pingree, in the State lunatic hospital, thirty weeks, the said Pingree having no legal settlement in this Commonwealth, and that the governor draw a warrant therefor accordingly. *[Approved by the Governor, March 31, 1852.]*

\$61.42 for support of Wm. A. Pingree.

Resolve concerning Scott's System of Infantry Tactics.

Chap. 27

Resolved, That the adjutant-general be authorized to procure a sufficient number of copies of Harper & Brother's edition of "The System of Infantry Tactics," compiled by General Winfield Scott, and adopted by the War Department, in the year one thousand eight hundred and thirty-five, and to furnish one copy to each general and field officer, division inspector, brigade-major, the adjutant of each regiment and battalion, and the commander of each company; and, also, to furnish the first and second volumes of said System to each subaltern officer in the volunteer militia of the Commonwealth, the volumes to be delivered up by each officer who may resign, for the use of his successor. *[Approved by the Governor, April 1, 1852.]*

Adjutant-general may procure copies sufficient, and to furnish one copy to each of certain officers.

Chap. 28 Resolve concerning a survey of the Surface Geology of the Commonwealth.

Governor may engage President Hitchcock.

Resolved, That his excellency the governor be, and hereby is, authorized to arrange with President Edward Hitchcock, of Amherst, to make a survey of the surface geology of the Commonwealth, provided the whole expense shall not exceed the sum of five hundred dollars. [*Approved by the Governor, April 3, 1852.*]

Chap. 29 Resolve on the Petition of Chauncy Isbell.

Authorized to sell certain real estate described, on conditions, &c.

Resolved, For reasons set forth in said petition, that Chauncy Isbell, of Lenox, in the county of Berkshire, be hereby licensed and empowered to convey, for the highest price that can be obtained, and to give a good and valid title to the real estate in said petition described, so far as said title was in Nathan Isbell, at the time of his decease; *provided*, that said Chauncy Isbell shall first give bonds to the judge of probate for the county of Berkshire, and his successors in office, in such sum, and with such sureties, as said judge of probate shall approve, conditioned faithfully to execute the power herein given, and to hold the proceeds in trust, for the use of the persons to whom said estate was by the will of said Nathan devised, in the same proportion as they would have taken said real estate by said will, and to give new sureties or bonds to the same effect, whenever said judge of probate, or his successors in office, shall order: *provided, further*, that the written assent of Nancy Louisa Daneby and Harriet Abigail Daneby shall first have been obtained to said sale, or if they, or either of them, shall, at the time of such assent, be under the age of twenty-one years, then of their guardians lawfully appointed. [*Approved by the Governor, April 3, 1852.*]

Chap. 30 Resolve on the Petition of Charles Brigham.

Authorized as trustee of Grafton tribe of Indians to dispose of certain real estate.

Resolved, For reasons set forth in said petition, that Charles Brigham, of Grafton, as trustee of the Hassanamisco or Grafton tribe of Indians, or his successor in said trust, is hereby authorized to execute and deliver the release of certain real estate mentioned in the resolves of the General Court on petition of John Hecktor, and Harry Arnold, now deceased, passed the twenty-first day of May, in the year one thousand eight hundred and fifty-one, and such release shall have the same effect as if it had been executed and delivered by the said Hecktor and Arnold, agreeably to the provision contained in the first of said resolves. [*Approved by the Governor, April 3, 1852.*]

Resolve on the Petition of Alexander Houston.

Chap. 31

Resolved, For reasons set forth in said petition, that the judge of probate for the county of Suffolk be, and hereby is, authorized and empowered to appoint some suitable person to sell and convey, on such terms and conditions as the said judge of probate may direct, all the right or possibility of dower of Anna Maria Delano, a minor, wife of Frederick W. Delano, of Boston, in said county of Suffolk, in a certain parcel of real estate, situate on McLean and Allen streets, in said Boston, being the same described in the deed of James K. Mills to William H. Delano, recorded with Suffolk Deeds, lib. 355, fol. 201, and such conveyance shall be as effectual to release and bar all said Anna's right of dower in said estate as if the same had been executed by her jointly with her husband after they had both attained full age. [*Approved by the Governor, April 3, 1852.*]

Judge of probate of Suffolk authorized to appoint a person to sell a certain supposed and specified right of dower.

Resolve on the Petition of John Jewett.

Chap. 32

Resolved, For reasons set forth in said petition, that John Jewett, one of the executors of the last will and testament of Aaron Tufts, late of Dudley, in the county of Worcester, deceased, is hereby empowered to execute the license granted him by the court of probate for said county, to sell all the real estate of the deceased for the purposes indicated in said license, and to make, execute, and deliver to the purchasers of said estate, sold under said license, and in pursuance thereof, a good and sufficient deed or deeds in fee simple thereof, whereby a good and valid title to all the estate of the deceased in the premises shall be vested and confirmed in such purchaser or purchasers, the said executor in all things conforming to the provisions of the law as to giving bonds, taking the oath, giving notice, making and delivering a deed or deeds in the manner and form usual in case of sales by executors or administrators, by license of court. [*Approved by the Governor, April 3, 1852.*]

Executor of will of Aaron Tufts authorized to execute license by judge of probate.

Resolves concerning Ocean Postage.

Chap. 33

Resolved, That an essential reduction on present rates of ocean postage will remove a very serious restraint now existing upon the commercial and social relations between the United States and the nations of Europe, and will therefore tend greatly to the advancement of civilization and commerce.

Reduction recommended.

Resolved, That his excellency the governor be required to forward copies of these resolves to our senators in Con-

Governor to send copies to senators and

members of
Congress.

gress, with a request that they will use their efforts in the accomplishment of so desirable an end. [*Approved by the Governor, April 12, 1852.*]

Chap. 34

Resolves providing for the reception of Governor Kossuth.

WHEREAS, Governor Louis Kossuth has accepted the invitation of the Commonwealth to visit the capital during the present session of the Legislature,

Committee of
arrangements.

Resolved, That a committee consisting of the president and seven members of the senate, and the speaker and fifteen members of the house of representatives, be appointed, who are hereby authorized to make all suitable arrangements in the name and behalf of the State, for the proper reception of Governor Kossuth.

Provision for
defraying ex-
pense.

Resolved, That his excellency the governor, by and with the advice of the council, be, and hereby is, authorized to draw his warrant on the treasury for such a sum as may be necessary for the purpose aforesaid. [*Approved by the Governor, April 12, 1852.*]

Chap. 35

Resolve on the Petition of John J. Loring and Thomas W. Phillips, trustees of Emmeline Habicht.

Authorized to
sell certain
real estate de-
scribed.

Resolved, For reasons set forth in said petition, that John J. Loring, of Taunton, in the county of Bristol, and Thomas W. Phillips, of Boston, in the county of Suffolk, trustees of Emmeline Habicht, wife of Claudius Edward Habicht, of the city, county, and State of New York, under the will of her father, Mathew M. Hunt, late of said Boston, deceased, by appointment of the judge of probate for said county of Suffolk, or their successors in said trust, be, and they hereby are, authorized and empowered to sell at public or private sale, and to execute all necessary deeds and instruments to convey in fee simple the following estates lying in said Boston, viz.:—The land with the dwelling-house and out-buildings thereon, situated on Belknap street, formerly owned by said Mathew M. Hunt, and which he acquired by deed from Howard Bowker, bearing date June 22, 1814, recorded in Suffolk Registry of Deeds, lib. 244, fol. 177, and the land with the dwelling-house and out-buildings thereon, situated on a court leading from Boylston street, said dwelling-house being the third house from said Boylston street, in the block of houses fronting easterly on said court, formerly owned by said Mathew M. Hunt, and which he acquired by a deed from the Massachusetts general hospital, bearing date April 23, 1827, recorded in said registry, lib. 317, fol. 69, which estates are particularly described in said petition: *provided*, that the

Bond to judge
probate.

said trustees shall first give bond to the judge of probate for said county of Suffolk, with surety or sureties satisfactory to said judge of probate that they will faithfully execute the powers herein granted to them, and will hold, invest, and apply the proceeds of such sales to the same uses and ultimate disposal as is provided in said will of said Mathew M. Hunt, deceased, respecting the real estate herein above described. [*Approved by the Governor, April 13, 1852.*]

Resolve on the Petition of the Trustees of the Massachusetts Humane Society. Chap. 36

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the Massachusetts Humane Society, the sum of twenty-five hundred dollars, for the purpose of repairing and preserving the life-boats now stationed on various parts of the sea-coast within this Commonwealth, and the life-saving apparatus attached thereto, and that a warrant be drawn therefor, and that said trustees shall report to the governor and council the manner in which said sum shall have been expended. [*Approved by the Governor, April 13, 1852.*]

\$2500 for repairing life-boats and apparatus.

Resolve in favor of the Worcester West Agricultural Society. Chap. 37

Resolved, That there be paid from the treasury of this Commonwealth, to the Worcester West Agricultural Society, such sums as bounty as said society would be entitled to receive agreeably to the provisions of the Revised Statutes respecting agricultural societies, had its returns been made within the time prescribed by law. [*Approved by the Governor, April 13, 1852.*]

Such sums as bounty as would have been had returns been made within the time, &c.

Resolves concerning Minot's Ledge Light-House. Chap. 38

Resolved, That since the destruction by storm in April of last year of the light-house on Minot's Ledge, near the entrance of Boston harbor, the hazards of navigators entering said harbor have been greatly increased, and it is indispensably necessary for the security of life and property that a light-house be erected on or near said ledge in place of the one destroyed, and our senators and representatives in Congress are hereby requested to use their efforts and influence to obtain an appropriation for this object.

Erection of a light-house needed. Senators and representatives in Congress requested to procure appropriation, &c.

Resolved, That his excellency the governor be requested to forward to each of our senators and representatives in Congress a copy of these resolves. [*Approved by the Governor, April 13, 1852.*]

Chap. 39

Resolves concerning the Publication of the State Map.

Secretary of
Common-
wealth author-
ized to con-
tract with H.
F. Walling to
publish State
Map.

Resolved, That the secretary of the Commonwealth be and he hereby is authorized to contract with Henry F. Walling for the publication of the State map, until otherwise ordered by the Legislature, on such terms and conditions as shall require the said Walling to see that the county commissioners of the several counties make such necessary corrections and alterations of the county plans as are now required by law, said corrections to be transferred to the plate in the same manner as heretofore, at the expense of the Commonwealth; and that he cause copies of the said map to be printed as soon as may be after each correction of the plates, and properly prepared for sale as heretofore, and offered for sale at a price not exceeding five dollars per copy.

Not required
to pay to Com-
monwealth,
nor entitled to
any pay for
services.

Resolved, That said Walling shall not be required to pay into the treasury of the Commonwealth any portion of the proceeds of the sale of said maps, and no compensation shall be allowed him for his services. [*Approved by the Governor, April 20, 1852.*]

Chap. 40

Resolve on the Petition of Edward L. Teele and Ellen C. Teele, his wife.

Authorized to
sell their real
estate, as if she
were of age.

Resolved, For reasons set forth in the said petition that the said Edward L. Teele and Ellen C. Teele be hereby authorized to sell and convey the real estate of the petitioners described in said petition, of which they are seized, in the right of the said Ellen C., in the same manner and with the same effect as if the said Ellen C. were of full age. [*Approved by the Governor, April 20, 1852.*]

Resolve in favor of the Overseers of the Poor of Gay Head.

Chap. 41

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to William A. Vanderhoof and Zaccheus Cooper, overseers of the poor of Gay Head, the sum of one hundred and fifty dollars for the support and maintenance of Clara Shepherd, a lunatic belonging to the tribe of Indians of Gay Head, and that warrants be drawn accordingly. [*Approved by the Governor, April 20, 1852.*]

\$150 to be paid
for support of
Clara Shep-
herd, a lunatic
Indian.

Chap. 42

Resolve on the Petition of Arad Dennison.

\$25 annually,
for three years.

Resolved, For reasons set forth in said petition, that there be paid out of the treasury of the Commonwealth, to Arad Dennison, of Leyden, twenty-five dollars annually, for three years, from the eighteenth day of May, one thousand eight hundred and fifty-two, and that warrants be drawn accordingly. [*Approved by the Governor, April 20, 1852.*]

Resolve concerning grant of Public Lands in aid of National Normal Schools. *Chap. 43*

Resolved, That Massachusetts deems it expedient and just that Congress appropriate a portion of the public lands to establish and endow a National Normal Agricultural College, which shall be to the rural sciences what West Point academy is to the military, for the purpose of educating teachers and professors for service in all the States of the Republic.

Appropriation of public lands for Normal Agricultural College.

Resolved, That his excellency the governor be requested to forward a copy of these resolutions to each of the senators and representatives in Congress, from the State of Massachusetts, with a request that they be laid before that body. [*Approved by the Governor, April 20, 1852.*]

Governor to forward copies to senators and representatives in Congress.

Resolve to preserve Coupons which have been paid by Railroad Corporations. *Chap. 44*

Resolved, That the treasurer of the Commonwealth be authorized to receive of such railroad corporations in this Commonwealth as have bonds with coupons, signed by the treasurer of the Commonwealth, the coupons that have been or may be paid by said corporations, and give his receipt for the same, to be preserved as evidence of the payment of the interest on said bonds; said railroad corporations to deliver said coupons to the treasurer, in such convenient form for examination as he may require. [*Approved by the Governor, April 21, 1852.*]

Treasurer of the Commonwealth to receive coupons to be preserved as evidence, &c.

Resolve on the Petition of William Finney. *Chap. 45*

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, to William Finney, of Charlestown, the sum of four hundred and seventy-five dollars, in full for all claims, for not proceeding with his improvements on his building and machinery, near the State prison, in said Charlestown, in pursuance of the suggestions of his excellency the governor, in the year one thousand eight hundred and fifty, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 22, 1852.*]

\$475 to be paid.

Resolve concerning the construction of a Ship Canal around the Falls of Sault Saint Marie, in the State of Michigan. *Chap. 46*

WHEREAS, Lake Superior, surrounded by a coast of more than fifteen hundred miles in extent, whose shores are enriched with the most extensive and rich deposits of copper and iron known in the world, whose waters afford

Benefits and importance of such canal.

fisheries the most valuable for supplying the interior of the country, is still disconnected from the other great lakes by an impassable obstruction, caused by the Falls of Sault Saint Marie; *and, whereas*, a ship canal, three-fourths of a mile in length, around said falls, would open this inland sea, with all its wealth, to the shipping and commerce of the whole chain of lakes, connecting it by an uninterrupted water communication with the western termini of our railroads, facilitate the settlement of a new and extensive region, develop new resources of national wealth, and open new fields for private enterprise; *and, whereas*, the land through which said canal would pass is a military reserve, beyond the reach of State or private control, and, in a military point of view, an important key to the greatest of American lakes, therefore,

Resolved, By the senate and house of representatives of the Commonwealth of Massachusetts, that our senators and representatives in Congress be requested to use all honorable means in obtaining an appropriation, by the general government, to accomplish the object set forth in the foregoing preamble, and that the governor of this State be requested to forward copies of the foregoing preamble and this resolution to our senators and representatives in Congress. [*Approved by the Governor, April 23, 1852.*]

Senators and representatives in Congress to use influence and obtain appropriation.

Chap. 47

Resolve on the Petition of the Town of West Roxbury, for leave to sell School Land.

Authorized to sell and convey, in fee simple, a certain tract of land described, on conditions specified.

Resolved, For reasons set forth in said petition, that the town of West Roxbury be authorized to sell and convey in fee simple, by public or private sale, whenever it shall judge best, a certain piece or parcel of real estate, devised for the benefit of the school now known as Primary School, No. (6) six, in said town, by Sarah Corey, late of Roxbury, deceased, which said real estate is situated in said town of West Roxbury, containing about seven acres, more or less, and is located as follows, to wit: on the easterly side of a straight line, run from the south-westerly corner of Dundridge 'Tufts' house lot, formerly so called, but now the land of one Lyon, which is on the opposite side of the road, the said line continuing across the road and through the house lot and pasture formerly of said Sarah Corey, to Sparhawk's line, now or formerly, so that the southerly end shall be of the same width with the end next to the road, and to make and execute, either by a committee already chosen or hereafter to be chosen therefor, a good and sufficient deed or deeds thereof, in fee simple, discharged of all trusts, and without any obligation on the part of the purchaser or purchasers to see to the application of the pur-

chase money, and the proceeds shall be held and invested, and the income and profits thereof disposed of to the same uses, and upon the same limitations and trusts, upon which the said real estate is now or would hereafter have been holden, anything in a resolve approved May fifteenth, one thousand eight hundred and fifty-one, entitled, a "Resolve on the petition of the Primary School District, No. (7) seven, in Roxbury," to the contrary notwithstanding. [*Approved by the Governor, April 24, 1852.*]

Resolve on the Petition of Ann Fallen.

Chap. 48

Resolved, For reasons set forth in said petition, that the Commonwealth release to Ann Fallen, of Pawtucket, in the county of Bristol, widow of Malachi Fallen, deceased, all the right, title, and interest which it has acquired in the real estate situate in said Pawtucket, of which said Malachi Fallen died seized or possessed; and this resolve shall take effect from and after its passage. [*Approved by the Governor, April 27, 1852.*]

Commonwealth releases to Ann Fallen, of Pawtucket, all right to certain real estate.

Resolve for the Pay of the Chaplains of the Legislature.

Chap. 49

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the chaplain of the senate and to the chaplain of the house of representatives, one hundred dollars each, for their services during the present session, and that warrants be drawn accordingly. [*Approved by the Governor, April 27, 1852.*]

\$100 each.

Resolve on the Petition of the Selectmen and Parish Committee of Marshpee.

Chap. 50

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth to the commissioners and selectmen of the district of Marshpee for the time being, the sum of six hundred dollars, to be appropriated and expended under the direction of said commissioners and selectmen, for building a parsonage dwelling-house for the use and occupation of the missionary for the time being, who shall be engaged and employed by the parish of Marshpee, established by the act of March twenty-first, eighteen hundred and forty, chapter sixty-five, entitled "An act concerning the district of Marshpee," and who shall hold and occupy said parsonage-house for such time only as said parish shall by vote or agreement appoint, and said parsonage shall be built on land which shall belong in fee to said parish, and shall be held in the same manner as the public meeting-

\$600 to build parsonage dwelling for missionary.

house in said district is now held by the aforesaid act of March twenty-first, eighteen hundred and forty. And his excellency the governor is hereby requested to draw his warrant accordingly on the first day of June next. [*Approved by the Governor, April 27, 1852.*]

Chap. 51 Resolves concerning the liquidation and payment of the claims of American Citizens for "French Spoliations" anterior to September 30, 1800.

Many claims by citizens of Massachusetts.

WHEREAS, Among the numerous class of American citizens who had just claims upon the government of France for spoliations upon their commerce prior to the 30th of September, 1800, and for which that government admitted its liability for adequate indemnities, are many citizens of this State; that by the treaty of that date, the government of the United States, in consideration of the release of the "burdensome and onerous guarantees" stipulated in the treaties of alliance, and of "amity and commerce" of 1778, fully exonerated and released the government of France from such liabilities and indemnities; whereby the United States assumed upon themselves, and became legally and equitably obligated to their citizens for the payment thereof, agreeably to the constitutional provision that "*private property shall not be taken for public use without just compensation.*" Yet said claims have not been liquidated and satisfied: *and, whereas*, a bill for the liquidation of said indemnities is now pending before Congress; therefore,

U. S. released France from all liabilities, and thereby assumed and became obligated to pay bill for liquidation now pending.

Claims with interest now due from U. S.

Senators and representatives in Congress exert themselves to procure adjustment, &c.

Governor to transmit copies, &c.

Resolved, That in the opinion of this Legislature, the aforesaid claims, with interest, are justly due from, and demandable of, the government of the United States: *resolved, further*, that our senators in Congress be, and are hereby instructed, and our representatives be requested, to use their best exertions to procure from the government as full and adequate indemnities therefor as though said claims still existed against the government of France, and to aid by all proper means the passage of any bill for the speedy and equitable liquidation thereof.

Resolved, That his excellency the governor transmit copies of these resolutions to each of our senators and representatives, and request them to lay the same before their respective houses. [*Approved by the Governor, April 28, 1852.*]

Chap. 52 Resolve on the Petition of Willard Broad, executor.

Authorized to sell and convey, in fee simple, certain

Resolved, For reasons in the said petition set forth, that Willard Broad, of Barre, be, and he hereby is, authorized and empowered to sell, either at public or private sale, for cash

or on credit, and to convey in fee simple, by a good and sufficient deed, discharged from all trusts and liability for the application of the purchase money, the premises described in the said petition consisting of a piece of land with the buildings thereon, situated in Barre, in the county of Worcester, and described as follows, viz.:—Beginning at the north-westerly corner of the county road, leading from said Barre to Petersham, at the corner of Ezra Baker's house-lot; thence by said Baker's lot running southerly to land of the heirs of Abel Rice; thence easterly by land of said heirs to land of Mehitable Caldwell; thence northerly by land of said Caldwell to said road; thence westerly on said road to the place of beginning: *provided*, that the said Willard Broad shall first give bond, with sureties, to the satisfaction of the judge of probate for the county of Worcester, to apply and account for the consideration to be received by him for said estate, agreeably to law. [*Approved by the Governor, May 3, 1852.*]

Resolve on the Petition of George G. Parker.

Chap. 53

Resolved, For reasons set forth in said petition, that George G. Parker, guardian of John H. Billings, a spendthrift, be hereby authorized to mortgage the real estate of his said ward for a sum of money not exceeding six hundred dollars, to be applied to the payment of the debts of his ward aforesaid. [*Approved by the Governor, May 3, 1852.*]

Authorized to mortgage real estate of his ward.

Resolve on the Petition of Drury Fairbanks and others.

Chap. 54

Resolved, That a sum not exceeding five hundred dollars in all, be, and the same is hereby, appropriated towards defraying the expense of repairing or rebuilding, in a substantial manner, the monument in the town of Sudbury, erected by President Wadsworth, of Harvard College, about the year one thousand seven hundred and thirty, to the memory of Captain Samuel Wadsworth, and a large number of other officers and soldiers in the service of the colony, who were slain upon the spot marked by the monument, on the eighteenth day of April one thousand six hundred and seventy-six, in the defence of that town against the Indians,—the said sum to be expended under the direction of his excellency the governor, in connection with a committee of said town of Sudbury, and that the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, May 5, 1852.*]

\$500 toward repairing or rebuilding the monument, &c., specified.

Chap. 55 Resolve for the Payment of the Contingent Expenses of the Council, Legislature, and various offices in the State House, for the Year One Thousand Eight Hundred and Fifty-two.

Not exceeding
\$2000 for con-
tingent ex-
penses, &c.

Resolved, That there be paid out of the treasury of the Commonwealth, to the sergeant-at-arms, a sum not exceeding two thousand dollars, to enable him to defray certain contingent expenses for the General Court and the various offices in the State house during the present year; and also to pay any sum not covered by the appropriations of the year one thousand eight hundred and fifty-one, and that warrants be drawn accordingly. [*Approved by the Governor, May 5, 1852.*]

Chap. 56 Resolve authorizing the Treasurer of the Commonwealth to collect a Claim due from the State of Rhode Island.

Treasurer to
collect of
Rhode Island
principal and
interest due on
a certificate of
June 18, 1798.

Resolved, That the treasurer of this Commonwealth be, and he hereby is, authorized to collect of the State of Rhode Island the amount that may be due for principal and interest upon a certificate issued by said State, and dated June 18, 1798, and numbered 229, signed by Henry Sherburne, treasurer of Rhode Island, and payable to Peleg Coffin, as treasurer of Massachusetts, for the sum of one hundred and twenty-five dollars and eighty-one cents, with interest at four per cent per annum; and in case the certificate cannot be found by the treasurer of this Commonwealth, he is hereby authorized to give his bond as treasurer of the Commonwealth, guaranteeing to hold the said State of Rhode Island harmless for or on account of any future claim for the payment of said certificate, and in case the said State of Rhode Island shall neglect or refuse to pay the amount of the claim as above specified, then the treasurer of this Commonwealth is hereby authorized and directed to take such legal steps as will enable him to prosecute and collect the same. [*Approved by the Governor, May 7, 1852.*]

Chap. 57 Resolve for the Pay of Clerks of the Legislature.

\$10 per day
each to clerk
of senate and
clerk of house,
and \$6 per day
to assistant
clerks.

\$150 each to
clerk of senate
and house for
copying jour-
nals.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the clerk of the senate, and to the clerk of the house of representatives, each the sum of ten dollars a day, and to the assistant clerk of the senate, and the assistant clerk of the house of representatives, each the sum of six dollars a day for each and every day they have been or may be employed in that capacity during the present session of the Legislature; and that there be further paid to the clerk of the senate, and the clerk of the house of representatives, the sum of one hundred and fifty dollars each for copying the journals for the State library as

required by the orders of the two houses, and that warrants be drawn accordingly. [*Approved by the Governor, May 7, 1852.*]

Resolve for the Payment of the State Pauper Accounts in the Auditor's Office. *Chap. 58*

Resolved, That the sum of two thousand three hundred and seventy-two dollars and eighty-three cents be paid out of the treasury of this Commonwealth, in full payment to the sixty-one towns, hereafter named, of their several pauper accounts now on file in the auditor's office, and that warrants be drawn accordingly, viz.: to Ashfield, twenty-eight dollars and twenty-six cents; Oxford, eighty-three dollars and eighty-five cents; Halifax, two dollars and eighty cents; Bridgewater, eighteen dollars and nineteen cents; Andover, two hundred and ninety-three dollars and sixty-nine cents; Ashland, six dollars and sixty cents; Lexington, one dollar and fifty-four cents; Malden, forty-three dollars; Westford, ten dollars and fifteen cents; Dudley, five dollars and eleven cents; Leominster, seventeen dollars and four cents; Shrewsbury, twenty-six dollars and seventy-one cents; West Boylston, one hundred and five dollars and eleven cents; Palmer, one hundred and sixty-one dollars and seventy-three cents; Monson, fourteen dollars and sixty cents; Boxford, one dollar and twenty-six cents; Bradford, eight dollars and ninety-nine cents; Wenham, six dollars and eighty-six cents; Newton, one hundred and eighteen dollars and fifty-nine cents; Townsend, nineteen dollars and eighty-four cents; Sudbury, fourteen dollars and eighteen cents; West Cambridge, three dollars and fifty-five cents; Blackstone, eighty-eight dollars and eighty-two cents; Douglas, one dollar and sixty-one cents; Prescott, sixteen dollars and twenty-seven cents; Williamsburg, two dollars and ninety-four cents; Russell, twenty-six dollars and forty-six cents; Erving, seven dollars and seven cents; Heath, ten dollars seventy-eight cents; Leverett, twenty-three dollars and ninety-two cents; Rowe, seven dollars and forty-five cents; Wendell, ten dollars and sixty-four cents; Lanesborough, one hundred and eighteen dollars and forty-seven cents; Lee, fifty dollars and thirty cents; Otis, sixty-five dollars and seventy-four cents; Sheffield, twenty-five dollars and fifty-five cents; Needham, sixty-eight dollars and eleven cents; Stoughton, sixteen dollars and seventy-seven cents; Walpole, twenty-four dollars and seventy-six cents; Dartmouth, thirty-five dollars and thirty-five cents; Dighton, thirty-seven dollars and forty-nine cents; Easton, fourteen dollars and fifty-six cents; Norton,

\$2372.83 in full payment to the sixty-one towns, as specified herein.

six dollars seventy-two cents; Somerset, twenty-five dollars and sixty-two cents; Westport, fifty-one dollars and ten cents; Abington, twenty-four dollars and fourteen cents; Hingham, thirty-four dollars and sixty-one cents; Rochester, one hundred and thirty-eight dollars and seventy-two cents; Orleans, twenty-five dollars and fifty-five cents; Yarmouth, twenty-five dollars and fifty-five cents; Edgartown, thirteen dollars and seventy-five cents; Hopkinton, six dollars and two cents; Millbury, thirty-six dollars and twenty-two cents; Colerain, forty dollars and fifteen cents; Lenox, twenty-seven dollars and twenty cents; Natick, forty-four dollars and seventeen cents; Northborough, forty-two dollars and ninety-eight cents; Amherst, sixty-six dollars and seventy-four cents; Southwick, thirteen dollars and forty-four cents; Cummington, one hundred dollars. [*Approved by the Governor, May 7, 1852.*]

Chap. 59

Resolve on the Accounts of the Land Agent.

Samuel Warner, Jr., discharged from payment of proceeds of land sold in Maine, 1851.

Resolved, That Samuel Warner, Junior, land agent of the Commonwealth for selling lands in the State of Maine, be, and hereby is, discharged from the payment of the sum of seven thousand eight hundred and seventy-five dollars and fifty-three cents, received by him on account of said lands in the year one thousand eight hundred and fifty-one, as specified in his account rendered on the thirty-first day of December, of the same year. [*Approved by the Governor, May 7, 1852.*]

Chap. 60

Resolve in favor of Anan Richardson and others.

§122 allowed.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Anan Richardson, thirty-two dollars; to John Robbins, thirty-two dollars; to Moses Knap, twenty-nine dollars; and to Gardner Chase, twenty-nine dollars; the whole amounting to one hundred and twenty-two dollars, being in full for their services and expenses in pursuing and arresting Seba Carpenter, a fugitive from justice, and that warrants be drawn accordingly. [*Approved by the Governor, May 7th, 1852.*]

Chap. 61

Resolves concerning the disputed boundary between the States of Rhode Island and Massachusetts.

Governor may appoint Commissioner to remove monument between Mass. and R. I

Resolved, That his excellency the governor, by and with the advice and consent of the council, be, and he is hereby, authorized to appoint a commissioner to remove the stone monuments, erected by authority of resolves of April 11th, 1846, by commissioners appointed under resolves of Feb-

ruary 27th, 1844, to act in conjunction with commissioners on the part of the State of Rhode Island, in ascertaining, or establishing, the true boundary line between the States of Rhode Island and Massachusetts.

Resolved, That his excellency the governor be, and he is hereby, authorized, at his discretion, to employ counsel for the defence of any suits which may be brought under the laws of Rhode Island, against any citizen of this Commonwealth, for any acts, not in violation of the laws of this Commonwealth, committed within the limits of the territory in dispute between the States of Rhode Island and Massachusetts, to the end that such suits may be carried to the supreme court of the United States for adjudication, and to the end, also, that the ancient rights and privileges of the citizens of this Commonwealth may be preserved and maintained.

May employ
counsel to de-
fend suits.

Resolved, That the governor be authorized to draw his warrant on the treasurer for the expenses that may be incurred by the execution of these resolves. [*Approved by the Governor, May 13, 1852.*]

Resolve in favor of Jose Monteiro d'Almeida and Sister.

Chap. 62

Resolved, That there be paid, out of the treasury of the Commonwealth, to Jose Monteiro d'Almeida, and to Maria Josefa Almeida Santana, heirs at law of William Almeida, an alien, late of Salem, in the county of Essex, mariner, deceased, or to Joseph Rider, of said Salem, their attorney, the sum of ninety-six dollars and eighty-five cents, being the amount paid the State treasurer by Thomas Needham, Esq., public administrator, and administrator of the estate of said William Almeida. [*Approved by the Governor, May 13, 1852.*]

\$96.85.

Resolve concerning the State Normal School at West Newton.

Chap. 63

Resolved, That the sum of six thousand dollars be, and the same is hereby, appropriated from the proceeds of the public lands, or the school fund, according to the provisions of the act of one thousand eight hundred and forty-six, chapter 219, to defray the expenses of providing a more commodious site and building, and the necessary appurtenances and apparatus, for the accommodation of the State Normal School now established at West Newton, and that the same be expended for that purpose, under the direction of the board of education, upon whose requisition the governor is hereby authorized to draw his warrant upon the treasurer, to the amount aforesaid.

\$6000 from
proceeds of
school fund for
purposes spe-
cified herein.

Resolved, That the board of education be authorized to purchase and receive grants of land in the name of the Commonwealth, and in suitable quantity, for the site of said building, and the accommodation of said school, and that before selecting said site, they be directed to receive propositions from towns or individuals in aid of the objects of these resolves, and afterwards to make such selection as will, in their opinion, best subserve the interests and accommodate the wants of said school; but the said board of education shall limit the time for receiving such propositions, to a term not exceeding six months from the time of the passage of this resolve. [*Approved by the Governor, May 13, 1852.*]

Chap. 64 Resolve to authorize the Secretary of the Commonwealth to prepare and publish Statistics, showing the progress of the Commonwealth.

Secretary to
abstract re-
turns of cen-
sus, &c. &c.

Resolved, That the secretary of the Commonwealth be authorized to prepare and present, in a printed form, to the next Legislature, an abstract of the returns under the national census of the year one thousand eight hundred and fifty, combined with such other facts as he may deem expedient, to illustrate the progress in population, industry, and wealth, of the several cities and towns of this Commonwealth. [*Approved by the Governor, May 13, 1852.*]

Chap. 65 Resolve concerning the State Normal Schools.

\$8200 per an-
num for three
years.

Resolved, That the sum of eight thousand two hundred dollars annually, for three years from the first day of January next, be appropriated to the support of the State Normal Schools, under the direction of the board of education; the said amount to be deducted from the proceeds of the public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter 219, entitled, "An act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes," and that his excellency the governor be authorized to draw his warrants accordingly. [*Approved by the Governor, May 13, 1852.*]

Chap. 66 Resolve on the Petition of James Deblois and Wife.

Authorized to
sell certain de-
scribed real es-
tate.

Resolved, For reasons set forth in the said petition, that James Deblois, administrator, *de bonis non*, with the will annexed, of Thomas Robbins, late of Charlestown, deceased, is hereby authorized and empowered to sell at public or at private sale, the house and land in Charlestown, on Putnam and Common streets, the income of

which was given by said will, for life, to Tabitha, granddaughter of the said deceased, and now wife of the said James, and to convey the same by deed duly executed and acknowledged, and invest the proceeds of such sale in other real estate, that the same shall descend in the manner designated in said will: *provided*, that the said Deblois shall first give bonds to the judge of probate for the county of Middlesex, that he will faithfully execute the power hereby granted him. [*Approved by the Governor, May 13, 1852.*]

Resolve in relation to the Indexes of the General Court Records.

Chap. 67

Resolved, That six hundred copies of the indexes of the General Court records, up to the time of the adoption of the constitution, be printed for distribution in the manner hereafter to be provided; and the said printing be done under the direction and supervision of the present clerk of the senate, who shall receive such compensation for said service as the governor and council shall determine. [*Approved by the Governor, May 13, 1852.*]

Six hundred copies be printed for distribution.

Resolve on the Petition of the Town of Raynham.

Chap. 68

Resolved, For reasons set forth in said petition, that there be reserved out of the present year's income of the school fund, for the benefit of the town of Raynham, a sum equal to what that town would have received from the income of the same for the last year, if the report of the school committee of the said town had been received at the office of the secretary of the Commonwealth on or before the thirtieth of April, one thousand eight hundred and fifty-one, and that the same, so reserved, be added to the share, if any, to which the said town of Raynham may be entitled from the present year's income of the said fund. [*Approved by the Governor, May 13, 1852.*]

So much to be reserved from the school fund for benefit of town of Raynham as would have been received last year.

Resolve concerning the State Prison.

Chap. 69

Resolved, That the sum of three thousand dollars be, and hereby is, appropriated, to be expended under the direction of commissioners appointed to superintend the enlargement of the State prison, to defray the expenses of completing said enlargement and providing such apparatus as may be necessary for the accommodation of said prison; and that the further sum of seven thousand five hundred dollars be appropriated, to be expended under the direction of the board of inspectors, and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, May 14, 1852.*]

\$3000 allowed for completing enlargement and providing apparatus.

\$7500 to be expended under board of inspectors.

Chap. 70

Resolve in favor of an Indian Pauper, of Christiantown.

\$50 annually
for two years.

Resolved, For reasons set forth in the petition, that there be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Gay Head Indians, for the support of an Indian child, of Christiantown, the sum of fifty dollars annually, for the term of two years, commencing on the last day of May, one thousand eight hundred and fifty-two, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 14, 1852.*]

Chap. 71

Resolve to compensate the Land Commissioners for services and expenses incurred.

\$100 to be paid
each of the
land commis-
sioners for the
years 1851 and
1852.

Resolved, That there be paid out of the treasury of the Commonwealth, to the land commissioners, the sum of one hundred dollars each for each of the years of one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, which shall be in full for services rendered and expenses incurred during said years, under the act of one thousand eight hundred and fifty, chapter 307. [*Approved by the Governor, May 14, 1852.*]

Chap. 72

Resolve for the Payment of the Sanitary Commissioners.

To Lemuel
Shattuck,
chairman,
\$694.13.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Lemuel Shattuck, chairman of the commissioners appointed under the resolve entitled a "Resolve relating to a Sanitary Survey of the State," passed in the year one thousand eight hundred and forty-nine, the sum of six hundred and ninety-four dollars and thirteen cents, in full for the balance of their accounts, and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, May 18, 1852.*]

Chap. 73

Resolves concerning the Massachusetts Militia Claim.

Claim for mili-
tary services
during the war
declared to be
just, and un-
justly with-
held.

Resolved, That the claim of Massachusetts against the general government for services, disbursements, and expenditures during the late war with Great Britain, is just in law and equity; that the long refusal on the part of the federal government to pay the same is a denial of justice to the Commonwealth and a violation of duty, tending to impair that generous confidence which ought to exist on the part of the people of the States in the national councils.

Governor au-
thorized to ap-
point an agent.

Resolved, That the governor, by and with the advice and consent of the council, is hereby authorized and

empowered to appoint an agent on the part of the Commonwealth to prosecute and, if possible, to enforce the recognition and payment of the full amount of said claim; and said agent shall be paid for his services from the treasury of the Commonwealth, on a warrant which the Governor is hereby authorized and directed to draw on the treasurer therefor.

Resolved, That the members of Congress from this Commonwealth be, and are, hereby requested to render such assistance as may be in their power, to said agent, in the prosecution of said claim.

Members of
Congress re-
quested to aid,
&c.

Resolved, That a copy of the foregoing resolves be transmitted by the secretary of the Commonwealth to each of our senators and representatives in Congress. [*Approved by the Governor, May 18, 1852.*]

Resolve on the Petition of Franklin Hall.

Chap. 74

Resolved, For reasons set forth in said petition, that Franklin Hall, of Cambridge, in the county of Middlesex, administrator of the estate of Dennis Toomey, late of Charlestown, in said county, deceased, be allowed and authorized to make, file, and have recorded in the office of the probate court for said county, his affidavit, together with a copy of the notice of his appointment as administrator aforesaid; also, that he be allowed and authorized to make, file, and have recorded in the office of the said probate court, his affidavit, together with a copy of his notice of sale, in pursuance of a license of said court, by him, as such administrator of certain real estate of said Dennis Toomey, situated in said Charlestown, on the eleventh day of October, in the year one thousand eight hundred and forty-nine; and that the same shall be as effectual to perpetuate the evidence, and shall be admitted as such, of the time, place, and manner of giving such notices, as if the same had been made by him within one year after the date of the administration bond, and of the sale aforesaid, respectively: *provided*, that said affidavits and copies be so filed within six months from the passage of this resolve. [*Approved by the Governor, May 18, 1852.*]

Certain acts in
probate au-
thorized and
legalized.

Resolve for the Publication of the Reports of Contested Elections.

Chap. 75

Resolved, That L. S. Cushing, C. W. Storey, and Lewis Josselyn be, and they hereby are appointed commissioners to prepare and publish a new edition of the reports of contested elections, prepared and published by said Cushing, in pursuance of an order of the house of representatives of March first, one thousand eight hundred and thirty-four,

Commission-
ers appointed.

including therein reports of all the cases which have occurred since the time of said publication.

To include all opinions of S. J. C. relating to subject.

Resolved, That the said commissioners include in, or append to, the publication hereby authorized, all opinions given by the supreme judicial court, at the request of either branch of the Legislature, relating to the several subjects contained in the same, and also a digest of all the decisions of the supreme judicial court concerning the qualifications of voters and the duties of town officers in presiding at elections.

1500 copies.

Resolved, That fifteen hundred copies of the publication hereby authorized be printed by the printers to the State, and be distributed in like manner with other books printed by order of the Legislature. [*Approved by the Governor, May 18, 1852.*]

Chap. 76 Resolve granting Aid for the Suppression of Counterfeiting Bank Bills and Coins.

\$2500 annually for five yrs. for preventing and detecting counterfeit bills.

Resolved, That a sum not exceeding two thousand five hundred dollars be granted and paid, annually, for the period of five years after the passage of this resolve, out of the treasury of the Commonwealth, to any association of officers of the banks in this Commonwealth, for the purpose of the prevention and detection of the crimes of making or tendering in payment as true, counterfeit bank bills or counterfeit gold and silver coins, and that the governor be authorized to draw his warrant accordingly from time to time, for such sums not exceeding two thousand five hundred dollars in each year, as shall be equal to half of the sum which such association shall certify and prove to the governor to have been raised and judiciously expended by such association for the purposes above specified. [*Approved by the Governor, May 18, 1852.*]

Chap. 77 Resolve for the payment of incidental expenses of the State House.

\$5,500 for incidental expenses.

Resolved, That the sum of five thousand five hundred dollars be, and hereby is, appropriated to defray the expense of incidental repairs upon the State House, and for the purchase of necessary articles of furniture during the present year for the use of the Legislature and the various offices connected therewith, including a burglar-proof safe and locks for the treasury vault not to exceed the sum of five hundred dollars; and that the same be expended under the direction of the sergeant-at-arms. [*Approved by the Governor, May 18, 1852.*]

Under direction of sergeant-at-arms.

Resolve concerning the Quartermaster-General's Department.

Chap. 78

Resolved, That the sum of four thousand three hundred and fifty dollars be, and the same is hereby appropriated, to defray the expenses of the Quartermaster-General's department for the current year, and that warrants be drawn accordingly. [*Approved by the Governor, May 18, 1852.*]

Resolves concerning Boston Harbor and the Back Bay.

Chap. 79

Resolved, That the governor, with the advice of the council, be authorized to appoint three commissioners to act for and in behalf of the Commonwealth, with full powers, for the following purposes:—

Three commissioners to settle relative rights and interests of relative claims of Commonwealth and all parties to lands in Back Bay.

First. To determine and settle, by agreement, arbitration, or process of law, the relative rights and interests of the Commonwealth and all other parties, claimants, in the lands and flats below high-water-mark, in the Back Bay, and under the mill-dam, and two hundred feet north thereof (to the harbor line established by law); to secure the interests of the Commonwealth therein against encroachments, or loss by adverse possession; and with the approbation of the governor and council, to sell and release, by deeds to be duly executed and delivered, in the name and behalf of the Commonwealth, any or all of its rights and interests in the said lands and flats, or any part thereof, to such parties and for such considerations, in money, or land, or any corporate franchise or other rights, to be released to the Commonwealth, or in public improvements, as they shall deem just and conducive to the public welfare, as herein provided.

Second. To devise or adopt a plan for changing the use of the said lands and flats, or any part thereof, from mill purposes to land purposes, and for filling up and improving the same, for building lots, with clean gravel or hard earth as high as the mill-dam, securing perfect drainage and spacious streets, squares, and ponds, if deemed expedient for public use and ornament, without toll, and with a strong, smooth sea-wall having ample sluiceways therein for the flow of the tide into and out of the full basin and any ponds which may be left in the empty basin, for preserving undiminished the scouring force of the water issuing from said basins, and increasing the same as much as possible for the benefit of Boston harbor.

To devise plan in filling up.

Resolved, That all persons and corporations, owning or claiming the said lands and flats, or any part thereof, or any right, title, or interest in or to the same, are hereby authorized to make any agreements with the said commissioners for the purposes aforesaid, and in pursuance thereof

All claimants authorized to make agreement with commissioners.

to change the use of the said lands or flats, or any part thereof, from mill purposes to land purposes, and to fill up and improve the same according to said plan, and not otherwise, and the same to hold and dispose of in fee, when released by the Commonwealth, and in consideration of such release or agreements to surrender any franchise, or flowage, or toll, or other rights whatsoever, conformably to such agreements; subject, however, to the rights of others not assenting thereto.

Commissioners to appoint time and place for hearing all parties, and report their acts to governor, and suggest any new law, &c.,

Resolved, That the said commissioners shall appoint a time and place for the hearing of all parties interested in the premises, on all matters preliminary to the execution of their commissions, and shall give at least thirty days' notice thereof, by publication in three or more newspapers printed in the city of Boston; and they shall report to the governor annually, or oftener, if required, during the continuance of their commission, their acts and proceedings in the premises; and it shall be their duty to suggest for consideration any new enactments of law which they may think needful for the purpose of carrying into full effect any agreements made or contemplated by them, and of securing the public objects aforesaid in the future improvement of said land and flats, conformably to said plan; and they shall keep an account of all their actual services and of all expenses attending the execution of said commission, to be duly audited, and allowed by the governor and council, and paid by warrants upon the treasury duly drawn for that purpose by the governor, who is hereby authorized to draw the same. [*Approved by the Governor, May 20, 1852.*]

And keep account of services and expenses.

Chap. 80

Resolve in favor of Increase N. Emerton.

\$50 per annum for three years to I. N. Emerton, for injury on military duty.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to increase N. Emerton, of Lynn, the sum of fifty dollars a year for three years, for injuries sustained by him while in the performance of military duty; the said sum to be paid annually, on and after the first day of May, in the year one thousand eight hundred and fifty-two, and that warrants be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

Chap. 81

Resolve in favor of Moses Newell.

\$28 balance, for services in senate 1851.

Resolved, That there be paid out of the treasury of the Commonwealth, to Moses Newell, of Essex county, the sum of twenty-eight dollars, being the balance due him for services rendered in the senate in the year one thousand eight hundred and fifty-one, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

Resolve on the Petition of Baring Brothers and Company.

Chap. 82

Resolved, For reasons set forth in the said petition, that the treasurer of the Commonwealth be authorized to pay Messrs. Baring Brothers and Company, of London, or their agent, the amount of interest due on the first day of January, in the year one thousand eight hundred and fifty-two, on one certificate of scrip issued by the State of Massachusetts for the benefit of the Eastern Railroad, numbered fifteen, for five thousand dollars; the interest warrant of which certificate is supposed to be lost; whenever the said Baring Brothers and Company, or their agent, shall furnish said treasurer with a satisfactory bond of indemnity to save the Commonwealth harmless from any future claim for the interest due on said certificate of scrip on said first day of January. [*Approved by the Governor, May 20, 1852.*]

Treasurer to pay them or agent amount of interest due Jan. 1, 1850, on one certificate of scrip, on certain conditions.

Resolve concerning the Digest of the Militia Laws.

Chap. 83

Resolved, That the sum of five hundred dollars be paid to the adjutant-general for the digest of the existing laws of the Commonwealth in relation to the militia, recently prepared by virtue of the resolve of March 7, 1845, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

\$500 to adjutant-general for digest.

Resolve in favor of Leander Crosby.

Chap. 84

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Leander Crosby, of Orleans, the sum of one hundred and ten dollars, in full for expenses of sickness during the present session of the Legislature, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

\$110, expenses of sickness during session.

Resolve concerning the Punkapoag Indians.

Chap. 85

Resolved, That his excellency the Governor, with the advice and consent of the council, be, and he is hereby authorized to appoint a guardian of the Punkapoag Indians, to fill the vacancy occasioned by the resignation of Thomas French, to hold office during the pleasure of the governor and council, and to receive such compensation for his services as they shall determine. [*Approved by the Governor, May 20, 1852.*]

Governor to appoint guardian.

Resolve in relation to the Old Colony Records.

Chap. 86

Resolved, That the secretary of the Commonwealth be, and he is hereby authorized to contract with the register of probate for the county of Plymouth for making a complete

Secretary authorized to contract for an index of the old

colony records,
&c., if not ex-
ceeding \$200.

and common index of all the volumes of the old colony records which are now severally indexed; and also an index of the book of court actions never indexed; and of the book of births and burials: *provided*, that the expense of the same shall not exceed the sum of two hundred dollars. [*Approved by the Governor, May 20, 1852.*]

Chap. 87

Resolve on the Petition of William Ramsdell.

§887.68 to be
returned to
him.

Resolved, For reasons set forth in said petition, that Asa W. Farr, district attorney for the northern district, be, and he hereby is authorized, and directed, to return to William Ramsdell, of Malden, in the county of Middlesex, the sum of eight hundred and eighty-seven dollars and sixty-eight cents, paid to said Asa W. Farr by said Ramsdell to redeem certain lands set off to the Commonwealth after the expiration of the time of redemption. [*Approved by the Governor, May 20, 1852.*]

Chap. 88

Resolve in favor of Nahum Ayres.

§32, expenses
of sickness
during session.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Nahum Ayres, a representative from the town of New Braintree, the sum of thirty-two dollars, in full for the expense of his sickness while attending the present session of the Legislature, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

Chap. 89

Resolve in relation to Lands adjacent to the State Prison.

§620 for land
adjacent to
State prison.

Resolved, That the sum of six hundred and twenty dollars be paid, in compliance with a certain contract made by the Commonwealth, for the purchase of lands adjacent to the State prison, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, May 20, 1852.*]

Chap. 90

Resolve in favor of Amasa Holcomb.

§21.70, ex-
penses of sick-
ness during
session.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Amasa Holcomb, senator from the Hampden district, the sum of twenty-one dollars and seventy cents, in full for the expenses of his sickness during the present session of the Legislature, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 20, 1852.*]

Resolve in favor of Chauncy S. Brown, of Blandford.

Chap. 91

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Chauncy S. Brown, of Blandford, the sum of fifty dollars, in full for expenses of sickness during the present session of the Legislature, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 20, 1852.*]

\$50, expenses of sickness during session.

Resolve in favor of Josiah Seabury.

Chap. 92

Resolved, That there be paid to Josiah Seabury, a member of this house, from the town of Brewster, the sum of twenty-five dollars, for expenses incurred by him for medical attendance during the present session, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

\$25, medical expenses during session.

Resolve in favor of William Danforth, of Williamstown.

Chap. 93

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to William Danforth, a member of the present Legislature, twenty-five dollars, in full for expenses of sickness during the present session, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

\$25, expenses of sickness during session.

Resolve in favor of Thomas Stoddard.

Chap. 94

Resolved, That there be allowed to Thomas Stoddard, of Cohasset, a member of this house, the sum of thirty dollars, to defray the expenses of illness caused by an accidental injury incurred in the discharge of his legislative duties during the present session of the Legislature, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

\$30, expenses of illness during session.

Resolve in favor of William F. Bell, of Washington.

Chap. 95

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to William F. Bell, of Washington, the sum of twenty-five dollars, in full for expenses of sickness during the present session of the Legislature, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

\$25, expenses of sickness during session.

Resolve in favor of David Lawrence.

Chap. 96

Resolved, That there be paid to David Lawrence the sum of twenty dollars, for expenses of medical attendance

\$20, expenses of illness during session.

incurred by him in consequence of illness during his attendance as a member of the Legislature during the present session, and that a warrant be drawn accordingly. [*Approved by the Governor, May 20, 1852.*]

Chap. 97

Resolve on the Petition of Orrin Baker.

Sole remaining executor authorized to sell whole of certain estate.

Resolved, For reasons set forth in said petition, that the said Orrin Baker, sole remaining executor of the will of Otis S. Baker, late of Easthampton, in the county of Hampshire, deceased, be and he hereby is authorized to sell and convey the whole title and estate of which the said Otis S. Baker died seized and possessed in, and unto a certain piece of land, with the buildings thereon, situate in Springfield, in the county of Hampden, bounded as follows, viz.: northerly by Howard street, easterly by Water street, southerly by land of Silas B. Bodfish, and westerly by land now or lately owned by John J. Doherty: *provided*, that the petitioner shall first give bond, with surety or sureties, to the judge of probate for the county of Hampshire, to the satisfaction of said Judge, for the faithful execution of the power hereby conferred, and to apply and account for the consideration money received for said sale and conveyance, according to law and said will. [*Approved by the Governor, May 20, 1852.*]

Bond to judge of probate.

Chap. 98

Resolve for the appointment of Commissioners to examine Cape Cod Harbor.

Three commissioners to examine into the dangers to the harbor.

Resolved, That his excellency the governor, with advice and consent of the council, be requested and empowered to appoint a commission of three persons to visit Cape Cod harbor during the recess of the Legislature, for the purpose of examining into the causes that do now, or are likely hereafter to endanger or injure said harbor; and, should there be an appropriation by the general government for this purpose, to confer with its engineer or agent, as to the best mode of its expenditure, so as to secure the preservation of said harbor, and report to the next General Court. [*Approved by the Governor, May 20, 1852.*]

Chap. 99

Resolve for the appointment of a Committee concerning a Fire-Proof Building.

Committee of three to procure plans and estimate of building.

Resolved, That a committee of three be appointed by the president of the senate and the speaker of the house of representatives, to procure plans and estimates for a fire-proof building, to be erected in the rear of the State house, and report the same to the next Legislature, in the early part of the session. [*Approved by the Governor, May 20, 1852.*]

Resolves relating to Public Lands.

Chap. 100

Resolved, That his excellency the governor, by virtue of and in accordance with an act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, one thousand eight hundred and nineteen, entitled "An act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State," and particularly the sixth section of said act, be directed to renew and fill up, on the part of Massachusetts, the commission therein named, and give notice thereof to the State of Maine, agreeably to the provisions of the act aforesaid.

Governor, according to act of June 19, 1819, relating to separation of Maine, directed to renew commission, and give notice to Maine.

Resolved, That the land agent, with the concurrence of the now land commissioners, and the commissioners on the part of Massachusetts, to be appointed under the act referred to in the last resolve, have full power and authority, and the same is hereby granted, to sell and convey all the lands which Massachusetts now owns in Maine to said State of Maine, or to any individuals or corporation, if, in their opinion, a price equivalent to the value of the lands shall be paid, or satisfactorily secured to the treasurer of the Commonwealth: *provided*, the conditions of the contract shall be first approved by the governor and council.

Land agent and commissioners authorized to sell Massachusetts lands in Maine.

To be approved by governor and council.

Resolved, That if the commissioners above named, with the land agent, having first obtained satisfactory information of the value of the lands, shall, on or before the first day of February next, contract to sell the same to any party, and neither the State of Maine, nor the party purchasing, shall desire a division of the lands, the commissioners aforesaid shall be discharged from any obligation to make said division. [*Approved by the Governor, May 20, 1852.*]

On certain contingency commissioners to be discharged.

Resolves in relation to a New State Prison.

Chap. 101

Resolved, That his excellency the governor, with the advice of the council, be requested and empowered to appoint a board of three commissioners, who shall consider and report upon the expediency of erecting a prison upon a new location, of sufficient extent and capacity to meet the prospective wants of the Commonwealth for many years to come, with a view to the advancement of the best moral and industrial interest of the State.

Governor to appoint three commissioners to report on expediency of erecting a new State prison.

Resolved, That the said commissioners, if, in their opinion the interest of the State shall require the erection of a new prison, shall report upon a location.

Resolved, That said commissioners be required to report the result of their inquiries and deliberations to his excellency.

If commissioners decide in favor of new

prison to make
report to gov-
ernor in season
for next Legis-
lature.

lency the governor in season to be communicated to the Legislature at the commencement of the next session, and the said commissioners shall present also their accounts to the governor and council, to be by them allowed and approved as they may deem just. [*Approved by the Governor, May 20, 1852.*]

Chap. 102

Resolve in favor of Rev. Jared Curtis.

Resolved, That there be allowed and paid to the Rev. Jared Curtis, chaplain of the State prison, one quarter's salary after his resignation shall have taken place, and that the governor be authorized to draw his warrant for the same. [*Approved by the Governor, May 21, 1852.*]

Chap. 103

Resolves in relation to National Intervention.

Every nation a
right to form
its own gov-
ernment.

Resolved, 1. That every nation has the right to form for itself such form of government as may seem to be best calculated to advance those ends for which all governments are in theory established.

Hungarian
struggle enti-
tled to appro-
bation and
sympathy.

2. That the Hungarian nation, in the years 1848 and 1849, was engaged in a proper and legitimate political movement, having for its object the improvement and extension of free institutions, and was therefore entitled to the sympathy of the people of every country, who were themselves living in the enjoyment of those blessings which alone flow from such institutions.

Intervention of
Russia gross
violation of
law of nations.

3. That the intervention of the czar of Russia in the contest between the people of Hungary and the House of Hapsburg Lorraine, was an act in gross violation of the law of nations, and ought to have been seriously considered by every nation interested in the maintenance of constitutional liberty.

We sympa-
thize with
Hungary and
her exiles.

4. That we deeply sympathize with the oppressed people of Hungary, and with those Hungarians who are in exile, and that we hope and trust that the vindication of Hungarian rights will restore the exile to his country, and his country to freedom; and that the United States would, in our opinion, be justified in making use of all proper means to advance an end so strictly in accordance with the principles of justice and humanity.

U. S. aid re-
commended.

Kossuth com-
mended to the
lovers of free-
dom.

5. That the part borne by Louis Kossuth in the great struggle for the preservation of the nationality of Hungary and the political rights of the Hungarian people, entitles him to the regard and confidence of all lovers of freedom; and we rejoice that he does not despair of his country's restoration, but directs the whole power of his

great mind to the advancement of that hour when Hungary shall stand before the world a nation free from Austrian tyranny, and constitutionally governed.

6. That the czar of Russia, in giving up to judicial butchery those Hungarian patriots who surrendered to his armies, was guilty of an infamous act, revolting alike to the laws of God and the dictates of common humanity, which ranks him even beneath the emperor of Austria, by whom they were put to death; they having never injured the former potentate, and having fought against the latter only in defence of their historical and inalienable rights, and to prevent him from establishing a despotism over their country.

Conduct of the Russian czar condemned.

7. That it is the duty and the interest of all constitutionally governed nations to cultivate the most intimate relations with each other, to the end that, should the emergency arise, they may the more easily combine their powers to repel the attacks of despots.

Duty and interest of free governments to cultivate intimate relations with each other.

8. That copies of these resolves be sent to our senators and representatives in Congress, and that they be requested to make use of all proper means to advance the ends which they recommend, and the principles they embody. [*Approved by the Governor, May 22, 1852.*]

Resolves sent to senators and representatives in Congress.

Resolve in favor of Otis H. Morrill.

Chap. 104

Resolved, That there be allowed to Otis H. Morrill, a member of the house of representatives from Lowell, the sum of fifty dollars, for expenses incurred by reason of sickness during the present session of the Legislature; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, May 22, 1852.*]

§50 for sickness during the session.

Resolve in favor of James T. Woodbury.

Chap. 105

Resolved, That there be paid to James T. Woodbury, a member of this house from the town of Acton, the sum of twenty dollars, for expenses incurred by him for medical attendance during the present session, and that a warrant be drawn accordingly. [*Approved by the Governor, May 22, 1852.*]

§20 for medical expenses during the session.

Resolve relative to Citizens of Massachusetts sold into slavery in Texas.

Chap. 106

Resolved, That the governor of the Commonwealth be directed to make inquiry as to the arrest of four men, supposed to be citizens of Massachusetts, in the State of Texas, and under the laws of that State sold into slavery; to ascertain for what crime they have thus been punished;

Governor to inquire as to four men sold into slavery in Texas—for what crimes, how tried,

whether constitutional,
&c.

whether they were fairly tried and had the advantage of council; whether their arrest and punishment was authorized by the constitution and laws of the United States, and, after due inquiry, if the governor, with the advice of the council, shall deem it right and proper for the Commonwealth to interfere for the release of said citizens, the governor is hereby authorized to procure, if possible, their release, and to draw on the treasury for such sum as may be necessary to defray the expense of the same. [*Approved by the Governor, May 22, 1852.*]

Chap. 107

Resolve in aid of Amasa Whitney.

§25 for expenses of sickness during session.

Resolved, That the sum of twenty-five dollars be paid out of the treasury of this Commonwealth to Amasa Whitney, a member of the house of representatives, from the town of Gardner, for expenses incurred for sickness during the present session of the Legislature, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 22, 1852.*]

Chap. 108

Resolve upon the Petition of Frederick William Paine.

Authorized to sell to the Worcester and Nashua Railroad certain real estate held by him as trustee.

Resolved, Upon the petition of Frederick William Paine, as trustee, under the will of William Paine, late of Worcester, in the county of Worcester, requesting authority to sell and convey to the Worcester and Nashua Railroad Company a certain portion of real estate held by him as said trustee, that for the reasons set forth in said petition, the said Paine be authorized to sell and convey in fee to the said Worcester and Nashua Railroad Company that portion of the real estate held by him as trustee, which the said railroad company were authorized by an award of the county commissioners of Worcester county, to take for the purposes of said railroad, the said Paine first giving a bond to the satisfaction of the court of probate having jurisdiction of the matter of said will or trust, to invest the proceeds of said sale for the benefit of those entitled to the said land, and the income thereof under the said William Paine's will. [*Approved by the Governor, May 22, 1852.*]

INAUGURAL ADDRESS
OF
HIS EXCELLENCY GEORGE S. BOUTWELL.

REPRESENTATIVES' CHAMBER, JAN. 15th, 1852.

At quarter past twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

ADDRESS :

*Gentlemen of the Senate
and of the House of Representatives :*

The constitution of Massachusetts has wisely provided for the annual meeting of the Legislature. It is your good fortune to assemble at a moment of general health, prosperity, and peace.

The events of the past year have not diminished our confidence in republican institutions, but we have been called to lament the reaction in Europe, by which liberal sentiments have been temporarily overthrown. We are not, however, permitted to believe that the despotic plans of Russia and Austria will succeed, but that on the contrary, encouraged by the example and inspired by the sympathy of the United States, the people of Europe will yet establish and maintain constitutional governments.

Our own government had its foundation in general intelligence, and has been preserved by an universal system of education.

The last returns show that the people of this State raised by taxation the sum of nine hundred and fifteen thousand dollars for the support of schools, being an increase of fifty-one thousand dollars over the appropriations of the preceding year.

The report of the secretary of the board of education represents the common school system in a flourishing condition. There is no reason to doubt the correctness of this conclusion. The normal schools and teachers' institutes are educating and preparing for labor and usefulness, a large number of young men and women.

We have no institution under the patronage of the State which more fully accomplishes the purposes of its foundation than the normal school.

I concur with the secretary of the board of education in the opinion that the benefits of the teachers' institutes should be enjoyed by the cities, as they have been heretofore almost exclusively by the rural districts of the Commonwealth. Should you approve the recommendation an additional appropriation will be necessary. I feel it my duty, however, to say that, as there is no probability that the school fund, from its present source, can ever exceed a million and a half of dollars, and as all appropriations for educational purposes are charged to this fund, there should be equal economy at least as in the ordinary expenditures of the government. The school fund now amounts to nine hundred and fifty-five thousand dollars.

Agreeably to a statute of 1851 there are now ten vacancies in the board of overseers of Harvard College. As these vacancies have existed since the first Wednesday of this month, your early attention is solicited to that important subject. I may be allowed to add that there is a public expectation that the new board will be composed of men most distinguished for probity, learning, and devotion to the cause of education.

The reports of the trustees and superintendent of the State reform school will soon be laid before you. In this institution the kindness of home is beautifully blended with the instruction of the school and the discipline of the prison.

The results are such as to present no occasion for complaint, but numerous reasons for thankfulness and hope. The buildings were erected for the accommodation of three hundred boys, but there were in August three hundred and forty-two inmates, and many have been rejected. The success which has attended this effort naturally suggests the importance of enlarging the present accommodations for boys and establishing a new institution for girls. Should you make an

appropriation for the first of these objects I certainly should concur in it. It must, however, be borne in mind, that within two years, a debt of two hundred thousand dollars has been authorized for the enlargement of the State prison and the erection of a lunatic hospital. I think it wise to defray from the current revenue of the State, a portion of the expense of institutions even of charity and humanity.

The enlargement of the State prison, contemplated by a statute of 1850, is nearly completed. I am informed by the commissioners that the expenditure will be about equal to the appropriation for that object, namely, one hundred and eight thousand dollars.

In consequence of this enlargement, it is necessary to increase the extent of the prison grounds. As one side of the new octagonal building is within a few feet of the line, the prisoners are exposed to the observation of persons upon the outside. This exposure is highly pernicious to the discipline of the prison, if it does not endanger the safe-keeping of the convicts. The inspectors in 1850 and 1851 recommended the purchase of a parcel of land, and in the latter year the subject was submitted to the executive council. Although the council were advised that, under an act of 1817, the executive had power to make the contemplated purchase, yet, upon full consideration, it was thought proper to refer the subject to the Legislature.

A conditional purchase has, however, been made. By this contract, the State has a right to complete the bargain at any time previous to the fourth of March next, by the payment of thirty-one thousand dollars. If the contract is not consummated, the State is bound to pay four months' interest on the aforementioned sum. The land is necessary to the prison. The price is believed to be reasonable. The purchase confirms a controverted claim to certain flats, and the ownership will prevent the erection of combustible structures, dangerous in case of fire to the buildings within the prison yard. I consider that the completion of the contract is highly important to the Commonwealth.

The number of convicts in prison is rapidly increasing, and there is a melancholy prospect that the cells will all be occupied within three years. The reports of the inspectors and officers of the State prison will exhibit its condition in September last.

The commissioners of alien passengers and State paupers have made an extended report, which will be laid before you. It will present a saving of more than twenty thousand dollars in the pauper expenses of the year 1851. This reduction, however, is temporary, unless sustained by the energy and labor which have produced it. The commissioners recommend an entire

change in the pauper system. This change is to be accomplished by the erection of several district almshouses, at which all foreign state paupers shall be maintained. They have made a careful examination of the New York system, and speak approvingly of its results. The report contains much valuable information upon this point. It is no doubt true, that, by bringing these unfortunate people, in considerable numbers, under the control of one head, their labor may be made much more productive than it is at present.

The laws of New York permit the commutation of the bonds given for the maintenance of alien passengers in all cases whatsoever. Of course, the commutation money is much increased when the alien is aged, insane, sick, or imbecile, the amount being determined by the probable expense of maintenance. The proceeds constitute a fund for the support of paupers. This course is not permitted by our laws. The consequence is, that emigrant vessels discharge at New York, the commutation money is paid into their treasury, the business benefits that city, while many of those needing support, find their way to our territory and engross our charity.

The evils of foreign pauperism we cannot avoid, and I think it wise to avail ourselves of the advantages of direct emigration, which increases the business of the State, replenishes in some degree the treasury, and gives us the benefit of the intelligent, active, and industrious portion of the foreign population.

You will find it necessary to take some action upon the public lands in Maine.

In 1851 the Legislature prohibited the sale of land, and Maine has prohibited the sale of timber. The result is a suspension of operations. I am assured by the authorities of Maine that they shall proceed to sell their interest in the lands, and thus Massachusetts, without her own agency, will become a co-tenant with individual purchasers. This of course cannot be permitted. It is for you to determine the policy which ought to be pursued. We may claim a division under the act of separation, or renew the sales of land and timber under the joint authority of the two governments. In either case the mode of conducting the business is of the highest importance.

The controversy with Rhode Island has received the attention of the executive department of the government during the past year; and the attorney-general is engaged in the necessary steps to obtain a judicial decision by a bill in equity in the supreme court of the United States. The importance of certain papers, which could only be obtained in England, led to some delay, but the suit will be prosecuted with all practicable despatch.

Your predecessors recommended a revision of the constitution of the State ; but a proposition to assemble a convention for that purpose, was rejected by a vote of the people. The majority against a convention was small, while a considerable number of voters neglected to express their opinion upon the question. It is also very generally agreed, that important alterations in our form of government are necessary, and I therefore feel at liberty to recommend the subject anew to your consideration. The constitution contemplates its own amendment by the Legislature, but this provision manifestly relates to those unimportant changes which time might render necessary. One of the first political questions settled in Massachusetts, was, that the power to propose and establish a form of government was in the people, and not in the Legislature. Important changes are now contemplated. It is not so truly an amendment as a revision of the constitution that is desired. The members of the Legislature are not usually chosen with reference to fundamental alterations in the government, while a convention would accurately represent the views and judgment of the people.

Heretofore, the representatives of cities and large towns have been chosen by a general ticket. This mode does not seem to be required by the constitution, and single districts are more in harmony with the general character of our representative system, whether State or national.

The report of the adjutant-general presents a flattering view of the condition of the militia of the Commonwealth.

It is not important to maintain a large military force, but efficiency and discipline are necessary to secure the objects for which the system was established.

Massachusetts has deferred a claim of considerable magnitude against the United States, for services rendered, and expenses incurred, in the war of 1812. A portion of this claim was paid in 1830 ; and in 1836 Congress instructed the secretary of war to reëxamine the claim of Massachusetts. This was done, and the further sum of \$272,716 14 was declared to be due. In conformity with this decision the senate made an appropriation, in 1839, but it was rejected by the house of representatives. Since 1840 there has been no action by either government. The justice of this claim has been admitted, and there seems to be no reason why it should not be paid. But it will not be paid, unless the subject is fairly, earnestly, and consistently laid before the national Legislature. It is with the expectation that Congress will not allow a claim, so long since acknowledged, to remain unpaid, that I recommend such action on your part as will lead to a new effort to obtain our just rights. It is proper to say that Maine is interested in this claim, to the extent of one-third.

Excluding the balance in the treasury on the first of January, 1851, the ordinary receipts of that year were \$566,432 09, and the ordinary expenditures were \$642,105 38, showing a deficit of \$75,673 29.

Among the items are three of an unusual character, namely : the reception of the president, the valuation committee, and the enlargement of the state prison ; which, together, involved an expenditure of more than twenty-nine thousand dollars.

In addition to this, the session of the Legislature of 1851 was of unusual length and cost.

The estimated receipts for the year 1852 are \$617,000, and the estimated expenditures are \$568,291 ; showing a balance in favor of the treasury of \$48,709.

Should you confirm the purchase of land for the State prison, and authorize the payment from the general treasury, the balance will be reduced to \$17,000. This estimate is based upon the supposition that no extraordinary appropriations are made, and that the session will not extend beyond one hundred and twenty days. Should you find it convenient, as it is believed you may, to reduce the length of the session, this balance will be increased. If, however, contrary to this estimate, the appropriations and expenditures should exceed the income of the year, I do not hesitate to recommend a direct tax to supply the deficit. This you can determine previous to your separation. Expenses should not be incurred and appropriations made upon any other principle than that the people are willing to meet them by direct taxation in the absence of other resources.

In view of the extraordinary appropriations which the State must soon make for institutions of charity and humanity, the most rigid economy should be observed.

The property of the Commonwealth consists of

Western Railroad Stock, (8 per cent.)	.	\$1,176,400	00
Five per cent. scrip,	.	584,090	00
County, city, and town scrip, (6 per cent.)	.	269,800	00
Notes and mortgages, (6 per cent.)	.	322,687	15
Notes for land in Maine, (6 per cent.)	.	335,636	58
Western Railroad Loan Sinking Fund rights,	.	258,808	00
Lyman State Reform School Fund,	.	70,000	00
Natick Indian Fund,	.	1,125	15
Cash on hand,	.	76,822	33
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Productive property,	.	\$3,095,369	21
Lands in Maine unsold	.	\$631,301	52
Massachusetts claim,	.	181,000	00

Real estate, &c., . . .	\$1,426,112 49	
Bonds and mortgages of rail- roads, . . .	5,049,555 56	
	<hr/>	\$7,287,969 57
		<hr/>
		\$10,383,338 78
Debt of the Commonwealth on its own ac- count, January 1, 1852, . .	\$1,341,475 00	
Scrip loaned to railroads, . .	5,049,555 56	
	<hr/>	6,391,030 56
		<hr/>
Balance in favor of the Commonwealth,		\$3,992,308 22

But of this balance not more than a million of dollars is available for governmental purposes.

No State is more interested in the existence and harmony of the American Union, than Massachusetts. She sustains important relations to the federal government. Her industrial prosperity may be seriously affected by its policy, but I desire to express the opinion that her interests are not opposed to those of other states and other sections of the country. Every branch of labor is an element of our national character, and any injury to agriculture, commerce, or manufactures, is a national loss. Each profitable revolution of the spindle or motion of the shuttle increases our resources and power, as certainly as the failure of the cotton, rice, or wheat crop diminish the public wealth. The manufacturer is interested equally in the agricultural prosperity of Ohio and Massachusetts, for the farmers of both States are his customers. Therefore a system of commercial policy which opens the markets of Europe to the whole or a part of the surplus produce of the West, is beneficial to the agriculture and manufactures of the North. Agriculture is a greater interest than manufactures, and as the latter is materially dependent upon the former, justice as well as good policy requires New England to pursue a liberal course towards other portions of the Union. This liberality will lead to a higher appreciation of our industrial resources, and their importance to the whole country. In this way the manufacturing system of Massachusetts may be sustained by national sense of justice and public policy, instead of being subject to the uncertain action of political parties.

It is, however, just, that the duty laid upon foreign products which come in competition with our own, should be faithfully collected. This the manufacturing interest may properly demand. But the introduction of a highly protective system would lead to the rapid increase of manufacturing establishments, not only in the north, but in the south and west, and a

more dangerous competition would spring up at home, than, under any circumstances, can come from abroad. The expenses of manufacturing are daily diminishing in this country, and the contest with other nations is soon to be determined by the intellectual and moral power, rather than the manual force of the laborers. That country which has the most intelligent laboring population will excel in every branch of industry. We have, also, to anticipate changes in our modes of business, which will diminish the cost of manufacturing. The active business will be performed by principals themselves, either as shareholders or copartner-owners, and the expensive and cumbersome system of agencies and factors abolished. This I anticipate from the voluntary action of the proprietors themselves, and not from the interference of the Legislature. As a people, we must exist and prosper with the world, and not by exclusion from it. Cheap and rapid communication upon the sea, and the removal of barriers to travel and transportation upon the land, are enemies to the restrictive system. The extent of our commerce is the evidence of our prosperity. Every vessel added to our commercial marine is not only a messenger of civilization, but it increases the value of each man's labor, and enables him to purchase and enjoy more of the necessities and luxuries produced by the labor of other men.

You have, gentlemen, authorized the executive to invite Louis Kossuth to this Commonwealth. This trust will be cheerfully and faithfully executed. Your action will be regarded as an expression of the sympathy of Massachusetts for the distinguished exile, and for the cause of European liberty, which he so truly represents. The common sentiment of America is on the side of constitutional governments. Nor will this sentiment be satisfied with an individual, unofficial expression. It will also demand, through the diplomatic agents of the country, a distinct declaration on the part of Austria and Russia as to their future purposes. If these governments shall assert the right of interference in the domestic affairs of European nations, or shall decline to make a distinct declaration upon this point, it would seem proper for our government to give them notice that we assert on our part an equal right to interfere in favor of republican or constitutional governments, reserving to ourselves of course the power to judge of circumstances and the necessity of interference as events transpire. If, however, contrary to our expectations, Austria and Russia should assent to the doctrine of non-intervention, our object will have been gained. We cannot, in any view of the subject, quietly submit to the absorption of the smaller states of Europe by the larger, and the final subjection of all to two or three allied despotisms.

Such a movement will not only be fatal to our commerce, but to the general industry and free principles of America.

Gentlemen :

Your action has increased and strengthened my obligation to the people. I shall seek to indicate my sense of its nature by a faithful discharge of the duties to which I have been called. I take this occasion to announce my determination not to be a candidate for reelection, and to assure you of my purpose, under Divine Providence, to labor in private life with equal zeal and greater freedom for the welfare and honor of the Commonwealth.

MESSAGES.

To the President of the Senate :

SIR,—I herewith transmit, for the use of the Legislature, the following reports and communications, which have been received by this department of the government, viz. :

1. Resolutions of the State of New Hampshire in relation to the establishment of a bureau of agriculture in the department of the interior at Washington.
2. Resolutions of the same State in relation to the compromise measures of the thirty-first Congress.
3. Resolutions of the State of Delaware upon the same subject.
4. Report of the commissioners of alien passengers and foreign paupers.
5. Report of the inspectors of the State prison.
6. Report of the warden of the State prison.
7. Report of the chaplain of the State prison.
8. Report of the physician of the State prison.
9. Preamble and resolution of the select and common council of the city of Philadelphia.
10. The report of the trustees of the State reform school.
11. The report of the superintendent of the State reform school.
12. The report of the treasurer of the State reform school.
13. The report of the trustees of the State lunatic hospital.
14. The report of the superintendent of the State lunatic hospital.
15. The report of the adjutant-general of the Commonwealth.

GEO. S. BOUTWELL.

Council Chamber, January 20, 1852.

To the Speaker of the House of Representatives :

SIR,—I have the honor to transmit, for the use of the Legislature, the annual report of the land agent of the Commonwealth.

GEO. S. BOUTWELL.

Council Chamber, January 22, 1852.

To the Speaker of the House of Representatives :

SIR,—In compliance with the order of the house of the 6th instant, I have the honor to transmit a copy of the letter which I addressed to Lonis Kossuth on the fifteenth of January, and also a copy of his reply to the same.

And, that the Legislature may be in possession of all the proceedings which have taken place under the resolve empowering me to invite governor Kossuth to visit this Commonwealth, I herewith transmit a copy of Mr. Hopkins' communication relative to the duties with which he was charged.

GEO. S. BOUTWELL.

Council Chamber, February 9, 1852.

To the President of the Senate :

SIR,—I herewith transmit to the honorable senate, for the use of the Legislature, the following communications, which have been made to this department of the government, viz.:

1. Report of the agent for discharged convicts.
2. Report of the superintendent of alien passengers.
3. Preamble and resolutions of the State of New Jersey upon the compromise measures.

GEO. S. BOUTWELL.

Council Chamber, February 11, 1852.

To the President of the Senate :

SIR,—I herewith transmit to the honorable senate, for the use of the Legislature, the final report of the commissioners appointed under the resolves concerning Boston Harbor and Back Bay, approved May 3, 1850.

GEO. S. BOUTWELL.

Council Chamber, March 16, 1852.

To the Speaker of the House of Representatives :

SIR,—I herewith transmit to the house of representatives, for the use of the Legislature, a communication from the Gov-

ernor of Maine, and certain resolves recently passed by the Legislature of that State, concerning the public lands of Massachusetts.

GEO. S. BOUTWELL.

Council Chamber, April 7, 1852.

To the President of the Senate :

SIR,—I herewith transmit to the senate, for the use of the Legislature, the following communications, which have been made to this department of the government :

1. A communication from the governor of Maine, covering certain resolves of that State in support of a memorial to Congress, asking assistance from the United States government in behalf of the European and North American Railway.

2. A communication from the governor of New Hampshire, concerning obstructions in the Connecticut and Merrimack rivers, preventing the passage of salmon, shad, and other fish.

3. A communication from the governor of Alabama, covering certain resolutions of that State in reference to the construction of a ship canal across the peninsula of Florida.

4. Joint resolutions of the State of Indiana, upon the African slave trade.

GEO. S. BOUTWELL,

Council Chamber, April 13, 1852.

To the President of the Senate :

SIR,—A bill entitled “An act concerning the Boston Wharf Company,” has been laid before me for my revision; but as I entertain objections to its passage, I herewith return it to the honorable senate with a brief statement of the reasons by which I am controlled. In 1851 the General Court passed a similar bill, which I declined to approve, and I now respectfully refer the senate to the communication I then made, and especially to the considerations touching the preservation of the harbor of Boston.

All the objections there presented apply to the bill before me, and it is my present purpose to state the particulars wherein the proposed measure will be more prejudicial to the public interests than that of 1851. By the existing laws this corporation is authorized to construct a wharf on the southerly side of Fore Point Channel to a point eleven hundred feet from a given angle in the commissioner’s line. The bill of 1851 provided for a further extension of one hundred and fifty feet, while the bill under consideration contemplates an extension of four hundred feet, or to a point fifteen hundred feet from the aforementioned angle. It is true that this bill gives a

direction to the line on the north-easterly end of the wharf, which, if continued, will restrain the adjacent shore-owners within limits more conformable to the ordinance of 1641. But there are two serious objections to the extension of this line as contemplated by the bill before me.

In the first place a basin will be formed behind the Boston Wharf, and in front of the lands and wharves of adjacent proprietors.

The water in this basin will be without current, and hence a deposit must inevitably take place in front of these lands and wharves.

The second objection is, that while by this bill the Boston Wharf will have a front of fifteen hundred feet on Fore Point Channel,—a channel which can be used by vessels of moderate burden at all times of the tide,—the riparian proprietors in the rear of this wharf, having no access from their lands to any natural channel whatever, are to be restrained several hundred feet within the limits assigned to this corporation. It is my conviction that the Boston Wharf Company cannot take and exercise the privileges granted by this bill without an injury to public, and a wrong to private interests, which the State ought not to sanction. But I desire to express the opinion that such is the character of the proposed line as a harbor line, and its prospective injustice to riparian owners, it cannot be maintained.

Our successors will feel bound to permit these owners to extend their wharves to a line corresponding with the extreme point of the Boston Wharf. Thus this bill not only makes a grant of flats to the Boston Wharf Company, four hundred feet in width on Fore Point Channel, but necessarily leads to the extension of this grant along the line towards South Boston, and involves a surrender of several hundred thousand feet of flats, in which the Commonwealth has a valuable vendible interest, without any compensation or consideration whatever.

Hence I cannot agree to such a surrender of the public property, especially when considered in connection with its probable injurious effects upon the harbor of Boston.

GEO. S. BOUTWELL.

Council Chamber, April 24, 1852.

To the President of the Senate :

SIR,—I herewith return to the honorable senate a bill entitled “An act relating to Parishes and Religious Societies,” which was laid before me on the 7th instant for my revision. My principal objections proceed from doubts of its constitutionality.

1st. The bill appears to conflict with the eleventh article of

amendment to the constitution, or third article of the bill of rights.

2d. The bill changes the conditions of grants heretofore made to such an extent as in my opinion to impair the obligation of contracts.

By a statute passed March 25th, 1845, any corporation for religious purposes, was authorized to assess all parochial charges, including the support of public worship, upon the pews in any meeting-house they might thereafter erect or procure, and collect such assessments agreeably to the thirty-second, thirty-third, and thirty-fourth sections of the twentieth chapter of the Revised Statutes. This law was entirely prospective, and no person could be involuntarily subjected to its operation.

The bill before me extends the provisions of that act to any meeting-house erected prior to the 25th of March, 1845, provided, that three-fourths of the pew-owners shall consent thereto.

The third article of the bill of rights declares that "all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society." Every citizen has a right to the full benefit of this constitutional provision, except so far as he may have limited it by a voluntary contract of his own. Even if he is a proprietor with others it cannot be controlled by a majority, or even three-fourths, of a corporation or body of men. The right is guaranteed to the individual, and no power but that which made the constitution can deprive him of it without his consent. The manifest intention of the constitution is, that each citizen shall be free to contribute or not for the support of religious worship.

In all cases to which the proposed law would be applicable, the pews were purchased or taken without any *legal* obligation annexed, to maintain religious instruction. Nor is this statement weakened, but rather strengthened, by the consideration that in special cases the proprietors of meeting-houses have agreed to defray the usual parochial expenses by an assessment upon the pews. The mere ownership of a pew in a meeting-house, unsustained by a special contract, imposes no legal obligation upon the owner to contribute to the parochial charges of the society usually worshipping therein. Yet the provisions of this bill are such that three-fourths of the pew-owners in any meeting-house may compel the dissenting proprietors to contribute to the entire value of their proprietorship for the support of religious instruction, contrary, it may be, to their religious faith and opinions.

By the same article of the constitution each religious society is authorized to elect its pastor and contract with him for his support. The society is one of the contracting parties, and should fulfil for itself the obligations it assumes. But by this bill a person, not a member of the society, nor in any sense a party to the contract, may be brought in to perform stipulations to which he has never assented. Hence I find it difficult to reconcile this measure with the principles of justice or religious freedom.

And further, a religious society, with the concurrence of three-fourths of the pew-proprietors, acting under the authority of the Legislature, may impose liabilities upon the pews not specified in the original grant, nor at any subsequent time assumed or assented to by the individual owners.

A grant made and accepted is a contract; the terms of the grant are the conditions of the contract; and I feel bound to consider in which, if either, of the three bodies named, the power exists to change the conditions of a contract. Pews are held to be real estate, and pass by deed like lands and houses. There is of course a grantor and a grantee. The grantor is usually a religious society, though in some cases the proprietors acting jointly, or as a corporation, stand in the place of the grantor. In either case the grantor annexes his own conditions to the grant. The grantee accepts the title upon these conditions, and both parties are bound by them unless they are in violation of law or against public policy. It appears to me that these conditions can be changed only by the mutual consent and action of the grantor and grantee. It is quite clear that the Legislature has not power to impair the obligation of contracts. A new condition imposed upon a contract, without the consent of both parties, most certainly impairs its obligation. Therefore it cannot impose upon a grantee, conditions and liabilities not originally imposed by the grantor, and to which the grantee has never assented.

Can the grantor, after the acceptance of the grant, impose new conditions? Most certainly not. Such a doctrine would deprive contracts of all sacredness whatever.

Nor will it be contended that a religious society, whether the grantor or not, has any such power.

If, then, neither the Legislature nor the grantor has the power separately to impose subsequent conditions to a grant, I feel bound to submit that these conditions cannot be imposed by their concurrent action.

Hence, I conclude that there is no power to impose new conditions upon a grant of property without the consent of the grantor and grantee.

If it is said that property in pews is peculiar in character, and ought therefore to contribute to the support of religious

worship, it must be considered that this peculiarity existed at the time the grant was made, if it exist at all, and will be recognized by the courts without any legislative action whatever. It is a subject for the consideration of the judicial rather than the legislative department of the government.

And I feel bound, also, to express the opinion that the proportion of three-fourths named in the bill is altogether arbitrary, and does not rest upon any right which that number possesses, absolutely or relatively, as compared with the minority. If the Legislature has authority to declare that a less number than the whole of the pew-owners in a meeting house may assess parochial expenses upon the pews, that number is of course entirely within legislative discretion, and implies the existence of full and complete power in this respect. The Legislature may as well define the proportion to be one-half, one-fourth, one-eighth, or even that the expenses of all the religious societies in the Commonwealth shall be assessed upon the pews in their respective meeting-houses. This broad and absolute principle appears to exist in the bill before me, yet no one would contend for its general application.

In addition to the views I have presented there are considerations of public policy to which I attach great importance.

The passage of this measure will inevitably lead to serious and vexatious controversies, for which the temporary advantages of this bill can afford no adequate compensation.

It is a general opinion in Massachusetts that religious instruction ought to be maintained by the voluntary contributions of the people, and any law calculated to unsettle this opinion will have disturbing effects upon the interests of religion far beyond the immediate results of the measure itself.

GEO. S. BOUTWELL.

Council Chamber, May 12, 1852.

To the President of the Senate :

SIR,—A bill entitled “An act concerning the manufacture and sale of spirituous or intoxicating liquors,” was laid before me on the 14th instant, for my revision. I have duly considered the measure, and now communicate to the honorable senate the objections I entertain to its passage.

The will of the people is usually expressed through certain organisms called government. The harmonious and efficient action of the government is based upon the concurrence of the moral, political, and physical power of the people. If only one or two of these powers exist in reference to a particular law, its influence is proportionately weak. When our laws are based upon the constitution, and in harmony with well

settled principles of public policy, they need no popular approval to give them validity and power.

They rest upon the admitted moral and political judgment of the people, and may therefore command the physical force of the State. In the progress of events great and peculiar measures may be proposed, whose value depends entirely upon the popular judgment; and under such circumstances, it is undoubtedly wise in the Legislature to seek an expression of public opinion. It is for this reason that in some States certain grave questions, as the creation of a public debt, for example, are by the constitution submitted to the people.

The moral power of a statute is greatly increased by the free and decisive approbation of those who are to be subjected to its operation. When, therefore, in addition to the importance of the subject legislated upon, the act contains new principles of legislation, or is of doubtful expediency, stronger reasons exist for ascertaining the public will. The measure before me is important, it contains new principles of legislation, is of doubtful expediency, and I therefore concur with the Legislature in the propriety of its submission to the people.

Mere political power and physical force are not sufficient to secure the perfect or even respectable administration of the law. Our experience as a State and as a member of the American Union, furnishes sufficient evidence upon this point. All safe and wholesome legislation must have a moral basis in the hearts and minds of the people. More especially is this true when that legislation interferes with the principles, controls the habits, or regulates the morals of men. Whenever, in reference to great measures, it is doubtful whether such a basis exists, the question should be settled by an appeal to the people.

Although I could not recommend the passage of the bill before me, the chief and sufficient objection of the present moment lies against the manner of ascertaining the popular will. As a point of principle, I think that all great questions should be determined by secret ballot. There is no domestic question more important than this. The use of the open ballot will divest the decision of the people of all moral power whatever. It is not necessary to consider whether a single man even would be overawed or improperly influenced in his action. A subsequent allegation that many men had been thus influenced, or that the open ballot had been unfavorable to a full expression of opinion, would deprive the verdict of its moral strength.

On the other hand, a decision by secret ballot would be final. If adverse to the law its friends could not complain. The decision would be conclusive that the people are not prepared for the measure, and thus save its advocates from numerous labors

and contests which must finally, under such circumstances, end in their discomfiture.

Should the law be decisively sustained by the secret ballot, it would then possess a moral as well as political basis on which it might have a fair trial. A decision by open ballot may leave the law upon the statute-book, but necessarily shorn of its moral strength; and I am fully conscious that it cannot stand upon mere political power and physical force. Legislation deals with men as they are. The province of law is to render certain and secure that which the moral judgment of men has approved, and moral reformation has acquired.

After a careful view of the whole subject, I am brought to this conclusion:

That a measure of this sort cannot rest safely and permanently upon the mere action of representative bodies of men,—that it must have the sanction of the people,—that that sanction must contain the moral as well as political power of the State,—that a decision by open ballot would possess very little moral force,—and, finally, that the secret ballot furnishes the only proper means of ascertaining the public judgment.

Two considerations have had great influence upon my mind. I know of no government, either despotic or republican, which has permanently succeeded in limiting the use of intoxicating liquors, except so far as it was sustained by the conscientious opinions and practice of a majority of the people.

And further, I cannot, by any process of moral reasoning, relieve myself of the duty of resisting the passage of a doubtful measure under such circumstances, that in the certain ultimate defeat which awaits it, is to be overthrown the cause it was intended to support.

Guided in my course, and in the reasons I have presented, by a sense of duty to the Commonwealth which has honored me with its confidence, I respectfully return the bill entitled "An act concerning the manufacture and sale of spirituous or intoxicating liquors," to that department of the government in which it originated.

GEO. S. BOUTWELL.

Council Chamber, May 19, 1852.

To the President of the Senate:

SIR,—Former and appropriate usage requires that notice of the official sanction of the executive to the several bills and resolves which have been submitted to him, shall be given to the Legislature by an oral message delivered by the secretary of the Commonwealth. Having this day signed a bill entitled "An act concerning the manufacture and sale of spirituous or intoxicating liquors," I deem it proper to communicate the

fact to the honorable senate, in which it originated, in a more solemn form.

This bill appears to be identical, in all its features but one, with that which I returned to the senate on the 19th instant, with my objections to its passage.

That provided for a reference to the people with the use of the open ballot. This rests entirely upon the action of the government. It seems to me highly proper that whenever a law is submitted to the people it should be in such a manner as to render the decision final. The first measure appeared to me calculated to impair the principle of the secret ballot, which I regard as important in a free government. In the communication to which I have referred, I stated that my chief and sufficient objection was "against the manner of ascertaining the popular will." The bill now under consideration does not affect the principle of the secret ballot. I also stated that the bill contained new principles of legislation, was of doubtful expediency, and that the judgment of the people should be taken, and the use of the secret ballot required. To that opinion I adhere. The course I pointed out seemed to me necessary to bring the measure within the rule, that law is the embodiment of a preëxisting and ascertained public sentiment.

But the Legislature, after a deliberate reconsideration of the subject, has expressed an opposite opinion. The point of difference is one of expediency. I think it inexpedient to pass the bill without such a reference to the people as I have named. The Legislature thinks it inexpedient to pass the bill according to the usual forms. Upon this point of difference I do not feel at liberty, from doubts in my own mind, to withhold my assent to a measure intended to advance a sacred moral cause. I have therefore approved the bill entitled "An act concerning the manufacture and sale of spirituous or intoxicating liquors."

GEO. S. BOUTWELL.

Council Chamber, May 22, 1852.

LIST OF THE
CIVIL GOVERNMENT

OF THE
COMMONWEALTH OF MASSACHUSETTS,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1852.

HIS EXCELLENCY
GEORGE S. BOUTWELL,
GOVERNOR.

HIS HONOR
HENRY W. CUSHMAN,
LIEUTENANT GOVERNOR.

COUNCIL:
JOHNSON GARDNER,
NOAH GIBSON,
RODOLPHUS B. HUBBARD,
GERSHOM B. WESTON,
FRANCIS R. GOURGAS,
CYRUS GALE,
FRANCIS W. BIRD,
ALBERT G. BROWNE,
AARON HOBART.

AMASA WALKER,
Secretary of the Commonwealth.
WILLIAM TUFTS, 1st Clerk. CHARLES W. LOVETT, 2d Clerk.

CHARLES B. HALL,
Treasurer and Receiver General of the Commonwealth.
ADDISON G. FAY, 1st Clerk. RUFUS T. SLOCOMB, 2d Clerk.

DAVID WILDER, JR.,
Auditor of Accounts.
DANIEL H. ROGERS, Clerk.

TIMOTHY R. PAGE,
Messenger to the Governor and Council.

SENATE.

HENRY WILSON,
PRESIDENT.

SUFFOLK DISTRICT.

Charles Theodore Russell,	Thomas G. Cary,
George H. Kuhn,	Charles H. Warren,
Charles Hubbard,	Francis Brinley.

ESSEX DISTRICT.

Edmund Kimball,	Henry Osgood,
Albert Currier,	John B. Alley.
Josiah Lovett, Jr.,	

MIDDLESEX DISTRICT.

Henry Wilson,	Anson Burlingame,
Charles C. Hazewell,	Joseph Fuller,
Ithamar W. Beard,	Samuel E. Sewall.

WORCESTER DISTRICT.

Moses Wood,	John S. C. Knowlton,
Freeman Walker,	Albert Alden.
Elmer Brigham,	

HAMPSHIRE DISTRICT.

Myron Lawrence,	Noah L. Strong.
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FRANKLIN DISTRICT.

Whiting Griswold.

HAMPDEN DISTRICT.

Calvin Torrey, Amasa Holcomb.

BERKSHIRE DISTRICT.

Richard P. Brown, James T. Robinson.

NORFOLK DISTRICT.

Edward L. Keyes, Zenas French.
Henry Hobart,

PLYMOUTH DISTRICT.

Jabez P. Thompson, Caleb W. Prouty.

BRISTOL DISTRICT.

John Crane, Oliver Ames, Jr.
Christopher A. Church,

BARNSTABLE DISTRICT.

Zenas D. Bassett, Cyrus Weeks.

NANTUCKET AND DUKES CO. DISTRICT.

Daniel Fisher.

FRANCIS H. UNDERWOOD, *Clerk.*

CHARLES W. SLACK, *Assistant Clerk.*

REV. WARREN BURTON, *Chaplain.*

BENJAMIN STEVENS, *Sergeant at Arms.*

WILLIAM M. WISE, *Doorkeeper.*

JAMES N. TOLMAN, *Assistant Doorkeeper.*

TILSON FULLER, *Page.*

HOUSE OF REPRESENTATIVES.

HON. NATHANIEL P. BANKS, Jr.,
SPEAKER.

COUNTY OF SUFFOLK.

Boston,

William W. Allen,
John Bigelow,
Charles Boardman,
Francis Boyd,
Osmyn Brewster,
Jonas Chickering,
John Codman,
Robert Colby,
Samuel F. Coolidge,
John Cowdin,
Thomas Curtis,
Tisdale Drake,
George Eaton,
Henry H. Fuller,
Henry J. Gardner,
John C. Gray,
William Hayden,
Ralph W. Holman,
Samuel Hooper,
Isaac Jones,
Samuel Kettell,
Moses Kimball,
Ezra Lincoln,

Boston,

Thomas Mair,
 Robert Marsh,
 Abel B. Munroe,
 George Palmer,
 Sewell F. Parcher,
 Aurelius D. Parker,
 John F. Payson,
 Samuel S. Perkins,
 Silas F. Plimpton,
 William Pope,
 John P. Putnam,
 John G. Roberts,
 William Schouler,
 Nathaniel Seaver,
 Jacob Sleeper,
 J. Thomas Stevenson,
 Newell A. Thompson,
 Warren Tilton,
 Edward Warren,
 James S. Wiggin,
 Clement Willis,
 John H. Osgood,
 Horace E. Smith,
 John F. Fenno,

*Chelsea,**North Chelsea,**Winthrop,*

COUNTY OF ESSEX.

*Amesbury,**Andover,*

Jonathan B. Sargeant,

Bailey Loring,

Beverly,

Levi A. Abbott,

John I. Baker,

Boxford,

Samuel H. Batchelder,

Bradford,

James A. Gilmore,

Danvers,

Alfred A. Abbott,

John Hines,

Philemon Putnam,

Essex,

William Burnham, 2d,

Georgetown,

Jeremiah P. Jones,

<i>Gloucester,</i>	Jeremiah R. Cook,
	Jacob Bacon,
<i>Groveland,</i>	Albion M. Merrill,
<i>Hamilton,</i>	Benjamin Woodbury,
<i>Haverhill,</i>	Samuel Brainard,
	John B. Nichols,
<i>Ipswich,</i>	Foster Russell,
<i>Lawrence,</i>	E. B. Currier,
	Charles S. Newell,
	Josiah Osgood,
<i>Lynn,</i>	Ebenezer Brown,
	William Downing,
	Isaiah Hacker,
	James M. Sargent,
<i>Lynnfield,</i>	John Danforth, Jr.,
<i>Manchester,</i>	Daniel W. Friend,
<i>Marblehead,</i>	
<i>Methuen,</i>	
<i>Middleton,</i>	
<i>Newbury,</i>	Francis V. Noyes,
<i>Newburyport,</i>	Isaac H. Boardman,
	Moses Davenport,
	Amos Wood,
<i>Rockport,</i>	Newell Burnham,
<i>Rowley,</i>	Thomas E. Payson,
<i>Salem,</i>	Otis P. Lord,
	Nathaniel B. Mansfield,
	William F. Nichols,
	George L. Newcomb,
	Joseph B. F. Osgood,
	Thomas Trask,
<i>Salisbury,</i>	
<i>Saugus,</i>	George H. Sweetser,
<i>Swampscot,</i>	
<i>Topsfield,</i>	Daniel Towne,
<i>Wenham,</i>	Moses Mildram,
<i>West Newbury,</i>	Benjamin Edwards.

COUNTY OF MIDDLESEX.

<i>Acton,</i>	James T. Woodbury,
<i>Ashby,</i>	Hosea Kendall,
<i>Ashland,</i>	James Jackson,
<i>Bedford,</i>	John W. Simonds,
<i>Billerica,</i>	Thomas Talbot,
<i>Boxborough,</i>	Granville Whitcomb,
<i>Brighton,</i>	David Collins,
<i>Burlington,</i>	David Skelton,
<i>Cambridge,</i>	Isaiah Baugs,
	Justin Jones,
	Stephen T. Farwell,
	John Livermore,
	John S. Ladd,
<i>Carlisle,</i>	Joel Boynton,
<i>Charlestown,</i>	Timothy Fletcher,
	Philip B. Holmes,
<i>Chelmsford,</i>	Joseph Reed,
<i>Concord,</i>	Samuel Staples,
<i>Dracut,</i>	Archibald O. Varnum,
<i>Dunstable,</i>	Ira Hall,
<i>Framingham,</i>	Moses Edgell,
<i>Groton,</i>	Phineas G. Prescott,
<i>Holliston,</i>	Alden Leland,
<i>Hopkinton,</i>	William Claflin,
<i>Lexington,</i>	William Chandler,
<i>Lincoln,</i>	
<i>Littleton,</i>	Amasa Sanderson,
<i>Lowell,</i>	Erastus Douglas,
	Luther Eames,
	Jesse E. Farnsworth,
	Luther B. Morse,
	Otis H. Morrill,
	William S. Robinson,
	James K. Fellows,
	Alpheus R. Brown,

<i>Lowell,</i>	Sidney Spaulding,
<i>Malden,</i>	Temple Dodge,
<i>Marlborough,</i>	Francis Brigham,
<i>Medford,</i>	Joseph P. Hall,
<i>Melrose,</i>	Daniel W. Gooch,
<i>Natick,</i>	William B. Parmenter,
<i>Newton,</i>	Luther Paul,
	Isaac Hagar,
<i>Pepperell,</i>	Thomas J. Dow,
<i>Reading,</i>	
<i>Sherborn,</i>	Alpheus Clark,
<i>Shirley,</i>	Daniel L. Chandler,
<i>Somerville,</i>	Edward C. Purdy,
<i>South Reading,</i>	John B. Atwell,
<i>Stoneham,</i>	George Cowdrey,
<i>Stow,</i>	Elbridge Gates,
<i>Sudbury,</i>	Jonathan R. Vose,
<i>Tewksbury,</i>	Elijah M. Read,
<i>Townsend,</i>	Samuel S. Haynes,
<i>Tyngsborough,</i>	Almond Bond,
<i>Waltham,</i>	N. P. Banks, Jr.,
<i>Watertown,</i>	Seth Bemis,
<i>Wayland,</i>	William R. Dudley,
<i>West Cambridge,</i>	Mansir W. Marsh,
<i>Westford,</i>	Oliver Wright,
<i>Weston,</i>	Isaac Coburn,
<i>Wilmington,</i>	Joseph B. Putnam,
<i>Winchester,</i>	Frederick O. Prince,
<i>Woburn,</i>	Timothy Winn.

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	Joel H. Litch,
<i>Athol,</i>	Benjamin Estabrook,
<i>Auburn,</i>	
<i>Barre,</i>	John Smith,
<i>Berlin,</i>	Lewis Sawyer,
<i>Blackstone,</i>	Laban Bates,
<i>Bolton,</i>	Edwin A. Whitcomb,

<i>Boylston,</i>	Robert Andrews, Jr.,
<i>Brookfield,</i>	Edward K. Pellet,
<i>Charlton,</i>	Luther Litchfield,
<i>Clinton,</i>	Horatio N. Bigelow,
<i>Dana,</i>	Orson Towne,
<i>Douglas,</i>	Benjamin Whiting,
<i>Dudley,</i>	Ira F. Jacobs,
<i>Fitchburg,</i>	John T. Farwell,
	Joseph W. Mansur,
<i>Gardner,</i>	Amasa Whitney,
<i>Grafton,</i>	Abraham M. Bigelow,
<i>Hardwick,</i>	Forister B. Aiken,
<i>Harvard,</i>	Gideon C. Noble,
<i>Holden,</i>	George W. Bascom,
<i>Hubbardston,</i>	William Bennett, Jr.,
<i>Lancaster,</i>	Anthony Lane,
<i>Leicester,</i>	Abraham Firth,
<i>Leominster,</i>	J. C. Allen,
<i>Lunenburg,</i>	Isaac Harrington, 2d,
<i>Mendon,</i>	Henry A. Aldrich,
<i>Milford,</i>	Charles F. Chapin,
<i>Millbury,</i>	Orville E. Thompson,
<i>New Braintree,</i>	Nahum Ayres,
<i>Northborough,</i>	Samuel Clark,
<i>Northbridge,</i>	Hiram Wing,
<i>North Brookfield,</i>	Charles Adams, Jr.,
<i>Oakham,</i>	James B. Ware,
<i>Oxford,</i>	Thomas Appleby,
<i>Paxton,</i>	
<i>Petersham,</i>	Lewis Whitney,
<i>Phillipston,</i>	Charles C. Bassett,
<i>Princeton,</i>	Luther Crawford,
<i>Royalston,</i>	Hiram W. Albee,
<i>Rutland,</i>	David W. Fletcher,
<i>Shrewsbury,</i>	Luke B. Witherby,
<i>Southborough,</i>	Lovett Fay,
<i>Southbridge,</i>	Sylvester Dresser,
<i>Spencer,</i>	Alonzo Temple,
<i>Sterling,</i>	Luther W. Rugg,

<i>Sturbridge,</i>	Seneca Richardson,
<i>Sutton,</i>	Timothy Burnap,
<i>Templeton,</i>	John W. Work,
<i>Upton,</i>	John Forbush,
<i>Uxbridge,</i>	Charles A. Thwing,
<i>Warren,</i>	Levi Merritt,
<i>Webster,</i>	Chandler Fay,
<i>Westborough,</i>	Daniel H. Forbes,
<i>West Boylston,</i>	Ebenezer M. Hosmer,
<i>West Brookfield,</i>	Horace G. Rawson,
<i>Westminster,</i>	John Minott,
<i>Winchendon,</i>	Elisha Murdock,
<i>Worcester,</i>	Isaac Davis,
	John Milton Earle,
	John F. Gleason,
	George F. Hoar,
	Putnam W. Taft.

COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	Oliver Watson,
<i>Belchertown,</i>	Henry A. Loughley,
<i>Chesterfield,</i>	Edsell Witherell,
<i>Cummington,</i>	Nathan F. Orcutt,
<i>Easthampton,</i>	Horatio G. Knight,
<i>Enfield,</i>	Timothy Brainard,
<i>Goshen,</i>	Asahel Billings,
<i>Granby,</i>	Chester Smith,
<i>Greenwich,</i>	Ezra S. Gibbs,
<i>Hadley,</i>	Lorenzo N. Granger,
<i>Hatfield,</i>	Elijah Bardwell, Jr.,
<i>Middlefield,</i>	Eliakim Root,
<i>Northampton,</i>	Azariah Clapp,
	Erastus Hopkins,
<i>Norwich,</i>	Henry Stanton,
<i>Pelham,</i>	David Abercrombie,
<i>Plainfield,</i>	Wanton C. Gilbert,
<i>Prescott,</i>	Liberty Crossett,
<i>South Hadley,</i>	Charles Peck,
<i>Southampton,</i>	Samuel C. Pomeroy,

<i>Ware,</i>	Harrison French,
<i>Westhampton,</i>	Medad King,
<i>Williamsburg,</i>	Samuel S. Wells.
<i>Worthington,</i>	* William Ward.

COUNTY OF HAMPDEN.

<i>Blandford,</i>	Chauncy S. Brown,
<i>Brimfield,</i>	John Prouty,
<i>Chester,</i>	Samuel Henry,
<i>Chicopee,</i>	Jonathan R. Childs,
	James K. Fletcher,
	Alpheus Nettleton,
<i>Granville,</i>	William W. Bacon,
<i>Holland,</i>	
<i>Holyoke,</i>	George C. Ewing,
<i>Longmeadow,</i>	Dimond Colton,
<i>Ludlow,</i>	
<i>Monson,</i>	Rufus F. Fay,
<i>Montgomery,</i>	
<i>Palmer,</i>	Amos C. Billings,
<i>Russell,</i>	Henry K. Loomis,
<i>Southwick,</i>	Abel Steer,
<i>Springfield,</i>	Titus Amadon,
	Ephraim W. Bond,
	Joel Brown,
	Andrew Huntington,
<i>Tolland,</i>	
<i>Wales,</i>	Warren Shaw,
<i>Westfield.</i>	James Holland,
<i>West Springfield,</i>	Harvey Wolcott,
<i>Wilbraham,</i>	Solomon C. Spelman.

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Henry S. Ranney,
<i>Bernardston,</i>	Samuel S. Wright,
<i>Buckland,</i>	Bartlett Ballard,
<i>Charlemont,</i>	

* Died at commencement of the session.

<i>Coleraine,</i>	Rominor Smith,
<i>Conway,</i>	
<i>Deerfield,</i>	Asa Stebbins,
<i>Erving,</i>	John H. Willis,
<i>Gill,</i>	
<i>Greenfield,</i>	Wendell T. Davis,
<i>Hawley,</i>	Clark Sears,
<i>Heath,</i>	David Gould,
<i>Leverett,</i>	Horatio N. Watson,
<i>Leyden,</i>	E. Wing Packer,
<i>Monroe,</i>	Martin Briant,
<i>Montague,</i>	Erastus Andrews,
<i>New Salem,</i>	Robert Andrews,
<i>Northfield,</i>	Earl Wildes,
<i>Orange,</i>	Rodney Hunt,
<i>Rowe,</i>	Noah Wells,
<i>Shelburne,</i>	John B. Whitney,
<i>Shutesbury,</i>	Samuel F. Dudley,
<i>Sunderland,</i>	Timothy Graves,
<i>Warwick,</i>	John G. Gale,
<i>Wendell,</i>	William Putnam,
<i>Whately,</i>	Chester Bardwell, 2d.

COUNTY OF BERKSHIRE.

<i>Adams,</i>	Stephen L. Arnold,
	Henry L. Dawes,
<i>Alford,</i>	Frederick Fitch,
<i>Becket,</i>	Joseph H. Mills,
<i>Cheshire,</i>	R. C. Brown,
<i>Clarksburg,</i>	Benjamin W. Clark,
<i>Dalton,</i>	Burr Chamberlin,
<i>Egremont,</i>	Pliny Karner, Jr.,
<i>Florida,</i>	Jesse H. Kemp,
<i>Great Barrington,</i>	Noble B. Pickett,
<i>Hancock,</i>	Hiram S. Smith,
<i>Hinsdale,</i>	Elijah H. Goodrich,
<i>Lanesborough,</i>	Andrew J. Lewis,
<i>Lee,</i>	James H. Royce,
<i>Lenox,</i>	Eli Richmond,

<i>Monterey,</i>	Amos Langdon,
<i>Mount Washington,</i>	William Wright, 3d,
<i>New Ashford,</i>	Noble F. Roys,
<i>New Marlborough,</i>	Ammi Warner,
<i>Otis,</i>	Lorenzo Webb,
<i>Peru,</i>	Milo Stowell,
<i>Pittsfield,</i>	Robert Francis,
	Ensign H. Kellogg,
<i>Richmond,</i>	William H. Nichols,
<i>Sandisfield,</i>	Chester Claflin,
<i>Savoy,</i>	Robert Sturtevant, Jr.,
<i>Sheffield,</i>	Charles Spurr,
<i>Stockbridge,</i>	
<i>Tyringham,</i>	Ebenezer Beers,
<i>Washington,</i>	William F. Bell,
<i>West Stockbridge,</i>	William Jones,
<i>Williamstown,</i>	William Danforth,
<i>Windsor,</i>	Luther Tower.

COUNTY OF NORFOLK.

<i>Bellingham,</i>	Edwin Fairbanks,
<i>Braintree,</i>	* Judson Stoddard,
<i>Brookline,</i>	William Aspinwall,
<i>Canton,</i>	
<i>Cohasset,</i>	Thomas Stoddard,
<i>Dedham,</i>	
<i>Dorchester,</i>	Elisha Ford,
	Edward King,
<i>Dover,</i>	Calvin Richards,
<i>Foxborough,</i>	
<i>Franklin,</i>	Hartford Leonard,
<i>Medfield,</i>	
<i>Medway,</i>	Clark Partridge,
<i>Milton,</i>	Albert J. Mosher,
<i>Needham,</i>	
<i>Quincy,</i>	
<i>Randolph,</i>	Levi Mann,

* Died during the session.

<i>Roxbury,</i>	S. Parkman Blake, Enoch Bartlett, Edwark D. Boit, Charles J. Hendee, Benjamin Perkins, Allen Putnam,
<i>Sharon,</i>	Enoch Dickerman,
<i>Stoughton,</i>	Samuel W. Curtis,
<i>Walpole,</i>	Palmer Morey,
<i>Weymouth,</i>	James Humphrey, John W. Thomas,
<i>West Roxbury,</i>	
<i>Wrentham,</i>	

COUNTY OF BRISTOL.

<i>Attleborough,</i>	Lyman W. Daggett,
<i>Berkley,</i>	Giles L. Leach,
<i>Dartmouth,</i>	Jireh Sherman,
<i>Dighton,</i>	William L. Hathaway,
<i>Easton,</i>	Galen Sylvester,
<i>Fairhaven,</i>	Elbridge G. Morton,
<i>Fall River,</i>	Edward P. Buffington, Nathan B. Dean, Southard H. Miller, Iram Smith,
<i>Freetown,</i>	Bradford Braley,
<i>Mansfield,</i>	William B. Bates,
<i>New Bedford,</i>	Abraham Gardner, George Howland, Jr., Cornelius Howland, Thomas Kempton, George B. Richmond,
<i>Norton,</i>	Andrew B. Randall,
<i>Pawtucket,</i>	Alanson Thayer,
<i>Raynham,</i>	Cassander Gilmore,
<i>Rehoboth,</i>	Sylvester Hunt,
<i>Seekonk,</i>	William Ide,
<i>Somerset,</i>	William L. Slade,
<i>Swansey,</i>	Daniel Edson,

<i>Taunton,</i>	John Andrews,
	Harrison Tweed,
	Richmond Walker,
<i>Westport,</i>	Frederick Brownell.

COUNTY OF PLYMOUTH.

<i>Abington,</i>	Isaac Hersey,
	James W. Ward,
<i>Bridgewater,</i>	John A. Shaw,
<i>Carver,</i>	Benjamin Ransom,
<i>Duxbury,</i>	Joshua W. Hathaway,
<i>East Bridgewater,</i>	Jacob A. Rogers,
<i>Halifax,</i>	
<i>Hanover,</i>	Perez Simmons,
<i>Hanson,</i>	Richard Howland,
<i>Hingham,</i>	Martin Fearing,
<i>Hull,</i>	Martin Knight,
<i>Kingston,</i>	Stephen Holmes, 2d,
<i>Marshfield,</i>	Luther Hatch,
<i>Middleborough.</i>	Eliab Ward,
	Joseph T. Wood,
<i>North Bridgewater,</i>	Jesse Perkins,
<i>Pembroke,</i>	Martin Bryant,
<i>Plymouth,</i>	John Atwood, Jr.,
	Lemuel Bradford, Jr.,
<i>Plympton,</i>	Joseph B. Nye,
<i>Rochester,</i>	John A. Le Barron,
<i>Scituate,</i>	Charles Curtis,
<i>South Scituate,</i>	James Southworth,
<i>Warcham,</i>	Darius Miller,
<i>West Bridgewater,</i>	

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	
<i>Brewster,</i>	Josiah Seabury,
<i>Chatham,</i>	James Gould,
<i>Dennis,</i>	Thomas Hall,

<i>Eastham,</i>	David Lawrence,
<i>Falmouth,</i>	Nathaniel Doane, Jr.,
<i>Harwich,</i>	Leander Crosby,
<i>Orleans,</i>	Enos Nickerson,
<i>Provincetown,</i>	Asahel Cobb,
<i>Sandwich,</i>	James Small,
<i>Truro,</i>	William Cleverly,
<i>Wellfleet,</i>	Nathaniel S. Simpkins.
<i>Yarmouth,</i>	

DUKES COUNTY.

<i>Chilmark,</i>	William Vincent,
<i>Edgartown,</i>	Charles B. Allen.
<i>Tisbury,</i>	

COUNTY OF NANTUCKET.

<i>Nantucket,</i>	William Barney,
	James H. Briggs,
	Henry C. Worth.

LEWIS JOSSELYN, *Clerk.*

L. ELLIS JOSSELYN, *Assistant Clerk.*

REV. RUFUS W. CLARK, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

ALEXIS POOLE, *Doorkeeper.*

DAVID MURPHY, *Messenger.*

JOSEPH P. DEXTER, *Assistant Messenger.*

WILLIAM SAYWARD, *Postmaster.*

JAMES N. TOLMAN, JR., *Page.*

JOSEPH P. DEXTER, JR., *Assistant Page.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JULY 17, 1852.

I HEREBY CERTIFY, That the printed Acts, Resolves. &c., contained in this pamphlet, are true copies of the originals.

AMASA WALKER.

Secretary of the Commonwealth.

13

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR


1853:

TOGETHER WITH THE MESSAGES.

PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH.



BOSTON:
WHITE & POTTER, PRINTERS TO THE COMMONWEALTH.
1853.

 The General Court of 1853 assembled in the State House in Boston, on Wednesday, the fifth day of January, and was prorogued on Wednesday, the twenty-fifth day of May.

The oaths of office were administered to His Excellency, JOHN H. CLIFFORD, on the fourteenth day of January.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1853.

An Act to authorize the Vermont and Massachusetts Railroad Company *Chap. 1*
to issue preferred Stock.

*Be it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the same,
as follows :*

SECT. 1. The Vermont and Massachusetts Railroad Company is hereby authorized and empowered to create and sell or dispose of, at a price not less than one hundred dollars per share, twelve thousand shares of perpetually preferred stock, the holders of which shall be entitled, like the holders of the other stock, to vote in the affairs of the company; each and every share being entitled forever, from the first profits of said road, to a dividend of six per cent. per annum, payable semi-annually.

SECT. 2. Said corporation shall never hereafter create any other or additional shares of preferred stock, nor shall they, at any time, alienate or mortgage said road or any part thereof, so as in any way to impair the interest of the holders of the preferred stock hereby authorized.

SECT. 3. No dividend shall be declared upon the capital stock of this corporation heretofore issued, unless the income of said company shall be sufficient therefor, after paying its annual expenses and the full dividends on the preferred stock.

SECT. 4. Any director, or other officer of this corporation,

\$100 per share.
12,000 shares.

No additional
shares to be
issued.

Interest of
preferred
stockholders not
to be impaired.
Dividends.

Penalty for
violation.

who shall violate the conditions of this act, shall be liable, for each and every offence, to a fine not exceeding the sum of five hundred dollars.

Exchange of
stock share for
share.

SECT. 5. The holders of the preferred stock hereby created may, at any time, if they shall desire so to do, exchange the preferred stock for the common stock of said company, share for share; and in case of such exchange being effected, at the desire of the holders of the preferred stock, the company shall have the right to increase the number of shares of the common stock, equally with the number of shares of preferred stock so exchanged.

Five shares of
common stock
entitled to two
shares of
preferred stock.

SECT. 6. Each holder of the common stock of said company shall be entitled to take, if he so elect, on or before the first day of May next, two shares of the preferred stock, for every five shares of the common stock owned by him, he paying for the same one hundred dollars per share.

Act goes into
operation.

SECT. 7. This act shall not go into operation until it shall be accepted by said corporation, by a stock vote of three-fourths of the stockholders represented and voting thereon, at any meeting duly notified for the purpose. [*Approved by the Governor, February 8, 1853.*]

Chap. 2

An Act to incorporate the Ware Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Joel Rice, George H. Gilbert, S. A. Whitney, their associates and successors, are hereby made a corporation, by the name of the Ware Mutual Fire Insurance Company, to be established in Ware, for the term of twenty-eight years, for the purpose of insuring buildings, stock in trade, and all other kinds of personal property, on the mutual principle; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all other general laws which are now in force, or which may hereafter be enacted, relating to Mutual Fire Insurance Companies, so far as the same are or may be applicable to said corporation.

Purpose.

Privileges and
liabilities.

Policies—when
issued.

SECT. 2. No policy shall be issued by the said corporation, till the sum of fifty thousand dollars shall have been subscribed to be insured.

Members entitled
to share of funds.

SECT. 3. Every member of said corporation shall, at the end of three years from and after the expiration of his policy, have a right to a share of the funds remaining at the end of

said term, after all expenses and losses then incurred have been deducted, in proportion to the sums by him actually paid on account of said policy.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 11, 1853.*]

An Act to incorporate the Taunton Gas Light Company.

Chap. 3

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Willard W. Fairbanks, William A. Crocker, and William Mason, their associates and successors, are hereby made a corporation, by the name of the Taunton Gas Light Company, for the purpose of manufacturing and selling gas in the town of Taunton ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Purpose.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

Real estate
\$50,000.
Capital \$100,000.

SECT. 3. Said corporation with the consent of the selectmen of the town of Taunton, shall have power and authority to open the ground in any part of the streets, lanes, and highways in the said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the corporation, after opening the ground in such streets, lanes, and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided* that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of said town.

May open
ground, sink
pipes, etc.

Provided.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each than the par value of the shares which shall be first issued.

Value of shares
issued

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 11, 1853.*]

Chap. 4

An Act to change the Name of the Andover Institution for Savings.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

The Andover Institution for Savings, incorporated April second, one thousand eight hundred and thirty-four, shall be hereafter known and called by the name of "The Andover Savings Bank." [*Approved by the Governor, February 11, 1853.*]

Chap. 5

An Act relating to Railroad and Highway Damages in certain cases.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

County Commissioners may estimate damages.

SECT. 1. In all cases in which the owner of lands, lying contiguous and in different counties, has suffered damage, or may hereafter suffer damage, by reason of the laying out, and making and maintaining of any railroad or highway through the same, such owner may have his damages estimated by the county commissioners of any county, in which a portion of said lands, taken for the use of such railroad or highway, is situated ; and the county commissioners of that county, in which any portion of lands so taken is situated, to whom application shall be first made to estimate such damages, shall have exclusive jurisdiction of the whole subject-matter of such application.

In case of appeal a jury shall be summoned.

SECT. 2. In case of an appeal by either party from the award of the county commissioners, in any case arising under the provisions of the preceding section, a jury shall be drawn, summoned and returned, from the county in which said commissioners reside, in like manner as is now provided by law, when lands taken as aforesaid lie wholly in the same county ; and such jury shall estimate the entire damages sustained, in the same manner as though such lands were situated in one county only.

Assessment of damages.

SECT. 3. Nothing in this act contained shall be so construed as to extend the time now limited by law for an application by any party for the assessment of damages. [*Approved by the Governor, February 11, 1853.*]

Chap. 6

An Act to incorporate the Pentucket Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William H. Hewes, Caleb D. Hunking and Caleb Hersey, their associates and successors, are hereby made a

corporation, by the name of the Pentucket Mutual Fire Insurance Company, in the town of Haverhill, for the term of twenty-eight years, for the purpose of insuring, on the mutual Purpose. principle, dwellings, stores, manufactories, mills, shops, tanneries, public buildings, taverns, stables, and other buildings and their contents, and other property, real or personal, against loss or damage by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, Privileges and liabilities. set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed, relating to mutual fire insurance companies: *provided*, that no policy Provided. shall be issued by this company, until the sum of one hundred thousand dollars shall have been subscribed to be insured.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 12, 1853.*]

An Act in addition to "An Act to authorize the City of Charlestown and others to fill up certain Flats in Mystic River." *Chap. 7*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The provision in the last clause of the first section of said act shall be construed to require a release only of such flats as lie between the north channel and a line parallel to, and distant two hundred feet northeasterly from, the first-described line in said act. Release of flats.

SECT. 2. The sea-wall mentioned in the first section of said act shall be built throughout the lines prescribed in said section, below the southeasterly line of Johnson's Wharf extended to the main channel; and with the consent of the shore owners on the south channel above Elm street, said wall may be extended from the prescribed point of termination, across said south channel, to the shore in the line of the northwesterly side of said Elm street. Sea wall—how built.

SECT. 3. The capital stock allowed by said act is hereby increased by an amount not exceeding three hundred thousand dollars. Wall may be extended. Capital stock increased.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 12, 1853.*]

Chap. 8

An Act to incorporate the Haverhill Gas-Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Francis G. Macy, George Odiorne, George B. Parrott, their associates and successors, are hereby made a corporation, by the name of the Haverhill Gas-Light Company, for the purpose of manufacturing and selling gas, in the village of Haverhill ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture gas in Haverhill. Privileges and liabilities.

Real estate \$50,000.

Capital \$100,000.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value fifty thousand dollars ; and the whole capital stock shall not exceed one hundred thousand dollars.

May open ground, sink pipes, etc.

SECT. 3. Said corporation, with the consent of the selectmen of the town of Haverhill, shall have power to open the ground in any part of the streets, highways and lanes in the said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of the said town.

Penalty. Provided.

Value of shares.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 12, 1853.*]

Chap. 9

An Act to authorize the Cohituate Bank, in Boston, to locate their Bank in any part of the city of Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location.

SECT. 1. The president, directors and company of the Cohituate Bank, in Boston, are hereby authorized to locate the said bank in any part of the city of Boston.

Inconsistent acts repealed.

SECT. 2. All acts and parts of acts inconsistent herewith, are hereby repealed. [*Approved by the Governor, February 12, 1853.*]

An Act concerning the Globe Mutual Marine Insurance Company. *Chap. 10*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Globe Mutual Marine Insurance Company, in the city of Boston, in addition to its present powers and privileges, may make insurance on the mutual principle, against losses by fire ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh chapter of the Revised Statutes, and in all subsequent acts relating to mutual fire insurance companies. Additional privileges.

SECT. 2. If the said company shall file a notice of its acceptance of its act of incorporation, passed on the thirteenth day of April, in the year one thousand eight hundred and fifty-two, with the secretary of the Commonwealth, within thirty days after the passage of this act, it shall be deemed to have fully complied, to all intents and purposes, with the provisions of the twenty-first chapter of the acts of the year one thousand eight hundred and forty-two, entitled "An Act concerning Insurance Companies." Notice of acceptance to be filed.

SECT. 3. The said company shall hereafter be known and called by the name of the Globe Insurance Company. Name.

SECT. 4. This act shall take effect on and after its acceptance, by a vote of a majority of the members of said company present, and voting at a legal meeting called for that purpose. [*Approved by the Governor, February 12, 1853.*] Takes effect.

An Act to incorporate the City Wharf Company in Boston. *Chap. 11*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Josiah Quincy, Ellis Gray Loring and John E. Thayer, their associates and successors, are hereby made a corporation, by the name of the City Wharf Company ; with power to purchase and hold, in fee simple or otherwise, as the title may be, any part or the whole of the estate on Commercial street in Boston, and known as the City Wharf estate, with all the privileges and appurtenances to the same belonging, and also any rights or estates lying between the Long Wharf and the estates of the Commercial Wharf Company and of the Mercantile Wharf Corporation, or belonging to either of the said corporations. And the said corporation may construct docks, and wharves ; lay vessels within and at the Corporators.
May purchase and hold real estate.
May construct docks, etc.

side thereof, and receive dockage and wharfage therefor; erect buildings, lay out streets and passage-ways, and improve and manage said property for mercantile purposes, in such manner as to them shall seem expedient, and may sell and convey the same or any part thereof: *provided*, that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises which is not now authorized by law.

SECT. 2. Said corporation may, at any legal meeting, agree upon the number of shares not exceeding ten hundred, into which their stock shall be divided, which shares shall be transferable in a book, to be kept by the clerk of the corporation for that purpose; may from time to time assess upon the stockholders such sums of money, not exceeding in the whole one thousand dollars on each share, as may be necessary for the purchase, improvement and management of their estate, and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of said stockholder as may be sufficient therefor to be sold, in such manner as the said corporation may, by their laws, determine: *provided, however*, such sale shall be by public auction to the highest bidder, after giving notice of the time and place appointed for such sale and the sum due on each share, by advertising the same, three weeks successively, in some newspaper printed in Boston; and the surplus proceeds of such sale, above the assessment so due, with interest and charges of sale, shall be repaid to such delinquent stockholder.

SECT. 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, February 18, 1853.*]

Provided.

Shares not to exceed ten hundred.

Shares transferable.

May assess stockholders.

Shares may be sold for non-payment of assessments. Provided.

Notice of sale—how given.

Surplus proceeds to be repaid to delinquent.

Privileges and liabilities.

Chap. 12 An Act to increase the Capital Stock of the Boston and Sandwich Glass Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Capital increased \$200,000.

\$100,000 in real estate.

Provided.

The Boston and Sandwich Glass Company is hereby authorized to increase its capital stock, by adding thereto two hundred thousand dollars, and to invest such portion thereof in real estate, not exceeding one hundred thousand dollars, as may be necessary and convenient to carry on the business for which the said company was incorporated: *provided*, that no shares in the capital stock hereby authorized, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [*Approved by the Governor, February 18, 1853.*]

An Act to incorporate the East Boston Gas Company.

Chap. 13

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George H. Plummer, Samuel Curtis, James T. Fisher, their associates and successors, are hereby made a corporation, by the name of the East Boston Gas Company ; for the purpose of manufacturing and selling gas, in that part of the city of Boston called East Boston ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Privileges and duties.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred and fifty thousand dollars.

May hold real estate

Capital \$150,000.

SECT. 3. Said corporation shall have power and authority to open the ground in any part of the streets, lanes and highways, in said East Boston, with the consent of the mayor and aldermen of said city of Boston, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid, and the said corporation, after opening the ground in said streets, lanes and highways, shall be holden to put the same into repair, under the penalty of being prosecuted for a nuisance : *provided*, that the mayor and aldermen of the said city of Boston, for the time being, shall, at all times, have the power to regulate, restrict and control the acts and doings of said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of the said city.

May open ground sink pipes etc.

Penalty.

Provided.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 19, 1853.*]

An Act to change the Name and amend the Charter of the East Boston Iron and Gas Company.

Chap. 14

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The East Boston Iron and Gas Company is hereby authorized to take the name of the East Boston Iron Company.

Change of name.

SECT. 2. Said corporation shall continue to have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, which it now has and is subject to, with the exception that it shall not hereafter manufacture or sell gas.

Privileges and duties.

Shall not manufacture or sell gas.

Original
act repealed.

SECT. 3. So much of an act entitled "An Act to incorporate the Massachusetts Solar Gas and Foundry Company," passed on the eighteenth day of February, in the year one thousand eight hundred and forty-seven, as is inconsistent herewith is hereby repealed. [*Approved by the Governor, February 19, 1853.*]

Chap. 15

An Act to incorporate the Metropolitan Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Eben Cutler, Charles Scudder, and R. W. Holman, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Metropolitan Fire and Marine Insurance Company, to be established in the city of Boston, for the purpose of making insurance against losses by fire and against maritime losses ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which are now or may hereafter be in force relative to insurance companies.

Name.

May insure
against fire and
marine losses.
Powers
privileges, duties
and restrictions.

Capital \$200,000,
may be increased
to \$500,000.

SECT. 2. The said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to any amount not exceeding five hundred thousand dollars. [*Approved by the Governor, February 19, 1853.*]

Chap. 16

An Act to increase the Capital Stock of the Wamsutta Mills.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital
increased.

How invested.

Provided.

The Wamsutta Mills are hereby authorized to increase their capital stock, by adding thereto a sum not exceeding three hundred thousand dollars, and to invest such portion thereof in real and personal estate, as may be necessary and convenient for the purposes for which they have been incorporated ; *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [*Approved by the Governor, February 19, 1853.*]

An Act to incorporate the Brookline Gas Light Company.

Chap. 17

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Harrison Fay, John N. Turner, Charles W. Scudder, their associates and successors, are hereby made a corporation, by the name of the Brookline Gas Light Company, for the purpose of making and selling gas, in the town of Brookline ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

May make and sell gas.

Powers, etc.

SECT. 2. Said corporation may hold such real and personal estate, as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of one hundred thousand dollars.

May hold real and personal estate.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Shares not to be issued for less than par value of shares first issued.

SECT. 4. Said corporation, with the consent of the selectmen of the town of Brookline, shall have power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the said company, after opening the ground in said streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance : *provided*, that said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said company, which may, in any manner, affect the health, safety or convenience of the inhabitants of said town.

May open the ground, lay pipes, etc.

Provided.

Selectmen may regulate, etc.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 19, 1853.*]

An Act to incorporate the Gloucester Gas Light Company.

Chap. 18

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George Odiorne, George B. Parrott, and William F. Parrott, their associates and successors, are hereby made a corporation, by the name of the Gloucester Gas Light Company, for the purpose of making and selling gas in the town of Gloucester ; with all the powers and privileges, and subject

Corporators.

To make and sell gas.

to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Capital stock not to exceed \$100,000.

Real estate not to exceed \$50,000.

No shares issued for less than par value of shares first issued.

SECT. 2. The capital stock of said company shall not exceed one hundred thousand dollars; and said corporation may hold real estate not exceeding in value fifty thousand dollars.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

May open the ground lay pipes, etc.

SECT. 4. Said corporation, with the consent of the selectmen of the town of Gloucester, shall have power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control, all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of the said town.

Provided.

Power of selectmen.

Takes effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 19, 1853.*]

Chap. 19

An Act to authorize the Fitchburg and Worcester Railroad Company to issue Preferred Stock.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Additional issue of preferred stock.

SECT. 1. The Fitchburg and Worcester Railroad Company are hereby authorized to issue ten hundred and fifty-three shares of preferred stock, in addition to the one thousand shares authorized by the act, passed the twenty-ninth day of April, in the year one thousand eight hundred and fifty-one, of one hundred dollars each, upon which they may guarantee the payment of three per cent semi-annually to the holders thereof, to be paid out of the profits of the company: *provided, however*, that the said company shall not dispose of any of the stock authorized by this act at less than its par value.

Semi-annual payment of 3 per cent. guaranteed.

Both issues to receive equal dividends.

SECT. 2. The stock authorized by the first section of this act, and the preferred stock authorized by the act passed the twenty-ninth day of April, in the year one thousand eight hundred and fifty-one, shall be entitled to receive equal dividends.

SECT. 3. Holders of unpreferred shares of stock in said company, shall have the exclusive right to subscribe for and take the stock authorized by this act, until the first day of June, in the year one thousand eight hundred and fifty-four, in the proportion of one share to each share of unpreferred stock held by them at the time of subscribing.

Holders of unpreferred stock may subscribe, etc.,

SECT. 4. Whenever any holder of unpreferred stock shall take a share of the stock authorized by the first section of this act, and pay for it according to the provisions thereof, he shall have the privilege of surrendering his certificate of one unpreferred share, and receive instead thereof a certificate of new stock, which shall be denominated second class preferred stock, and shall be entitled to such semi-annual dividends as can be paid out of the earnings of the road, after paying interest on the unpaid debts of the company and three per cent. semi-annual dividends on the preferred stock which shall have been issued: *provided, however*, that the dividends on the second class preferred stock, authorized by this section, shall not exceed the dividends on the preferred stock.

Shareholders to receive new certificates.

Second class preferred stock.

Provided.

SECT. 5. If, at any time after the passage of this act, the company shall be in a condition to pay three per cent. semi-annual dividends, or more, on all its stock which shall have been issued, then and for that purpose all said stock shall be classed alike and receive the same dividends.

All stock to be classed alike.

SECT. 6. This act shall take effect when it shall have been accepted by a vote of three-fourths of the stockholders, present and voting at a meeting duly called for that purpose. [*Approved by the Governor, February 21, 1853.*]

When to take effect.

An Act to incorporate the Webster Fire and Marine Insurance Company. *Chap. 20*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Tisdale Drake, Lewis Rice and Osmyn Brewster, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Webster Fire and Marine Insurance Company, to be established in the city of Boston, for the purpose of making insurance against losses by fire and against maritime losses, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws, which are now or may hereafter be in force, relative to insurance companies.

Corporators.

To insure fire and marine risks.

Powers and privileges, duties and restrictions.

Capital stock.
\$100,000.
May increase to
\$300,000.
Each share \$100.

SECT. 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each ; with liberty to pay in and increase the same to any amount not exceeding three hundred thousand dollars ; and may hold real estate for its use not exceeding twenty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 21, 1853.*]

Chap. 21

An Act to incorporate the Pittsfield Coal Gas Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. George S. Willis, Henry Colt and Thomas F. Plunkett, their associates and successors, are hereby made a corporation, by the name of the Pittsfield Coal Gas Company, for the purpose of erecting gas works and manufacturing gas, in the town of Pittsfield, in the county of Berkshire, and supplying the said town and the inhabitants thereof with the same ; with all the rights and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

May hold real and personal estate.

Capital
\$100,000.

No shares issued for less than par value of shares first issued.

May open the ground lay, pipes, etc.

SECT. 2. Said corporation may take and hold such real and personal estate, as may be necessary for the purpose aforesaid ; but the capital stock of said company shall not exceed one hundred thousand dollars, and no shares in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

Provided.

SECT. 3. The said corporation, with the consent of the selectmen of the said town, shall have power and authority to open the ground in any part of the streets, lanes and highways of the said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same in repair again, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of the said town.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 23, 1853.*]

An Act to confirm certain Acts done by Joseph Cummings as Justice of the Peace. *Chap. 22*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

All acts done by Joseph Cummings, of Ware, in the county of Hampshire, as a justice of the peace within and for said county of Hampshire, between the first day of March, in the year one thousand eight hundred and fifty-two, and the first day of July, of the same year, be, and they hereby are, made valid and confirmed, to the same extent as they would have been valid, had he been during that interval duly qualified to discharge the duties of the said office. [*Approved by the Governor, February 23, 1853.*]

Acts made valid and confirmed.

An Act concerning Decree of Alimony.

Chap. 23

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Supreme Judicial Court shall have power, after any decree of divorce shall have been granted by the said court, upon the libel or suit of any married woman, to make at any time, upon petition or proper process therefor, any such decree of or respecting alimony, or other provision for her maintenance, or for the benefit of the children of the parties, as the said court might have made in the original suit ; notwithstanding no such decree of alimony or other provision were made in the original decree of divorce, or prayed for in such libel or suit ; and the court, from time to time, may revise and alter any such decree, as the circumstances of the parties and the benefit of their children shall require.

Supreme Judicial Court may decree alimony upon petition.

Court may revise decree if circumstances require.

SECT. 2. Upon every such petition for a decree, or for the revision or alteration of a decree, the court may award costs to either party, as justice and equity shall require. [*Approved by the Governor, February 23, 1853.*]

Costs awarded.

An Act to authorize the Charlestown Gas Company to extend their Pipes and Conductors into the Town of Somerville. *Chap. 24*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Charlestown Gas Company are hereby authorized to extend their pipes and conductors into the town of Somerville, for the purpose of supplying the inhabitants of said

May supply Somerville with gas.

town with gas ; and for this purpose, said corporation, with the consent of the selectmen of the said town, shall have power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid. And the said corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen, for the time being, shall have power at all times to regulate, restrict and control the acts and doings of said corporation in said town, which may in any manner affect the health, safety or convenience of the inhabitants thereof.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 23, 1853.*]

Chap. 25

An Act concerning the Norfolk County Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Norfolk County Railroad Company are hereby authorized and empowered to unite their railroad, by proper turnouts and switches, with the Dedham Branch Railroad, now constructed and maintained by the Boston and Providence Railroad Corporation, through West Roxbury, to said Boston and Providence Railroad, at the Toll Gate station, and also to use said Dedham Branch Railroad, and said Boston and Providence Railroad, agreeably to the provisions of the general statutes of the Commonwealth, regulating the use of railroads in such cases, and all such statutes, that shall hereafter be passed, relating to such use.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 23, 1853.*]

Chap. 26

An Act in addition to "An Act to incorporate the Newton Theological Institution."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act to incorporate the Newton Theological Institution, passed in the year eighteen hundred and twenty-six, is so far amended, that the number of trustees shall hereafter never exceed forty-eight, nor be less than thirty-six.

SECT. 2. The trustees of said institution may, if they think

May open ground, lay pipes, etc.

Provided.

Takes effect.

May unite with Dedham Branch Railroad.

May use, etc.

Agreeably to the statutes.

Not more than 48 trustees nor less than 36.

Members of board—how chosen.

fit, give the power of filling vacancies in their board to some other corporation or body of persons beside themselves, and may prescribe the mode in which elections shall be made, and may also provide that members of the board shall be chosen for a prescribed limited period; and make any other reasonable regulations in regard to the election of members of the board and their term of office, and change the same whenever they judge it expedient. [*Approved by the Governor, February 23, 1853.*]

May prescribe
the mode and
limit of elections.

An Act to prevent Gambling in and about Muster-Fields, and Places of Public Gathering.

Chap. 27

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Any person who, during the time of, or within twelve hours of the time of holding any cattle-show, military muster or public gathering, shall, within one mile of the place of such show, muster or gathering, practise or engage in any gambling or unlawful game, shall forfeit for each offence a sum not exceeding twenty dollars, to be recovered on complaint made to any justice of the peace of the county in which the offence is committed.

Fine for gambling
in public places.

SECT. 2. Any person, who shall be discovered in the act of violating the provisions of the first section of this act, may be arrested by any sheriff, deputy sheriff, constable or other civil officer, and thereupon be lawfully detained, by imprisonment in jail or otherwise, until a complaint can be made against him for the offence of which he was arrested, and he be taken on a warrant issued upon such complaint: *provided*, that such arrest and detention, without warrant, shall not continue beyond the space of twenty-four hours. [*Approved by the Governor, February 23, 1853.*]

Mode of arrest.

May be
imprisoned.

Provided.

An Act to extend the Act incorporating the Plymouth County Mutual Fire Insurance Company.

Chap. 28

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The act passed on the twenty-eighth day of February, in the year one thousand eight hundred and twenty-eight, entitled an act to incorporate the Plymouth County Mutual Fire Insurance Company, shall be and remain in force for the term of twenty-eight years, from and after the twenty-seventh day of February, in the year one thousand eight hundred and fifty-six; and the said company shall be continued as a corpor-

Incorporation
continued to
Feb. 28, 1884.

Powers and
privileges.

ation, with all the powers and privileges granted to the same, by an act in addition to the act aforesaid, passed on the thirtieth day of January, in the year one thousand eight hundred and thirty-two; and also with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which are now or may hereafter be in force, applicable to insurance companies. [*Approved by the Governor, February 23, 1853.*]

Chap. 29

An Act to incorporate the Brighton Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. William G. Wilson, N. W. Turner, and Frederick S. Jones, their associates and successors, are hereby made a corporation, by the name of the Brighton Gas Light Company, for the purpose of making and selling gas in the town of Brighton, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To make and sell
gas in Brighton.

Capital stock
\$50,000.

Real estate may
equal \$15,000.

No shares issued
for less than par
value of shares
first issued.

SECT. 2. The capital stock of said company shall not exceed fifty thousand dollars, and said corporation may hold real estate not exceeding in value fifteen thousand dollars.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall be first issued.

May open ground
lay pipes, etc.

SECT. 4. Said corporation, with the consent of the selectmen of the town of Brighton, shall have power and authority to open the ground in any part of the streets, lanes, and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes, and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being, shall at all times have the power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of the said town.

Provided.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 23, 1853.*]

An Act to authorize the Matfield Manufacturing Company to manufacture certain kinds of Machinery and to increase its Capital Stock. *Chap. 30*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Matfield Manufacturing Company is hereby authorized to make every description of locomotive machinery. May make locomotive machinery.

SECT. 2. The said company is also authorized to increase its capital stock, by adding thereto a sum not exceeding one hundred thousand dollars, and to invest fifty thousand dollars of the said sum in real estate : *provided*, that no shares of said capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued. May increase capital stock by \$100,000. And invest \$50,000 in real estate. Provided.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 25, 1853.*]

An Act concerning the Adoption of Children.

Chap. 31

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

When a petition is presented to the judge of probate, for the adoption of a child, according to the provisions of "An Act to provide for the Adoption of Children," passed on the twenty-fourth day of May, in the year one thousand eight hundred and fifty-one, such child having no known parent or next of kin, and no legal guardian,—the judge of probate may appoint some discreet and suitable person to act in the proceedings as the next friend of such child, and to give or withhold the consent required by the second section of the act aforesaid ; and in such case, notice of the petition shall be given, by the publication thereof three weeks successively before the day of hearing thereof, in some newspaper published in the Commonwealth. Petition for adoption of a child.

[*Approved by the Governor, February 25, 1853.*]

Judge of probate may appoint some discreet person to act.

Notice to be published.

An Act to alter the Dividing Line of the Towns of Lincoln and Lexington. *Chap. 32*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The dividing line of the towns of Lexington and Lincoln is hereby altered and established as follows, viz : Beginning at the stone monument at the corner of the towns of Waltham, Lincoln and Lexington, and running north, sixteen degrees and fifty-eight minutes east, one hundred and twenty-two and Division line changed and New line established

six-tenths rods, to the northerly side of the county road leading from Lexington to Weston; thence north, one degree and forty-seven minutes west, one hundred and sixty-two and four-one-hundredth rods, to a stone monument on the hill near the house of Charles Brown in Lincoln; thence by the dividing line of said towns, as heretofore established, to the corner of the towns of Lincoln, Lexington and Bedford. [*Approved by the Governor, February 28, 1853.*]

Chap. 33

An Act to secure more Equal Taxation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporations to make returns of the market value of shares.

In addition to the statement now required by the ninety-eighth chapter of the statutes, passed in the year eighteen hundred and forty-three, and the three hundred and eighth chapter of the statutes, passed in the year eighteen hundred and fifty, to be made by certain corporations therein named, in their returns to the assessors of taxes; such returns shall further contain a statement, according to the best knowledge and belief of the officer making them, of the cash market value of all shares named in such returns at the time of making the same. [*Approved by the Governor, February 28, 1853.*]

Chap. 34

An Act in relation to the Powers and Duties of Jailers and Masters of Houses of Correction.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Convicts not to be confined, etc.

No keeper of any jail, nor master of any house of correction, shall confine by solitary imprisonment, any convict in his custody, for more than three days at any one time, without informing the sheriff of the county, or the overseers of the house of correction, of such confinement and the reasons therefor. [*Approved by the Governor, February 28, 1853.*]

Sheriff and overseers to be informed

Chap. 35

An Act to incorporate the Lynn Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James N. Buffum, Gardner Warren, Stephen Oliver, Jr., George W. Keene and Nathan Breed, their associates and successors, are hereby made a corporation, by the

name of the Lynn Gas Light Company, for the purpose of making and selling gas in the city of Lynn ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To make and sell gas.

SECT. 2. The capital stock of said company shall not exceed two hundred thousand dollars ; and said corporation may hold real estate not exceeding in value one hundred thousand dollars.

Capital stock not more than \$200,000.
Real estate not more than \$100,000.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall be first issued.

No stock issued under par

SECT. 4. Said corporation, with the consent of the mayor and aldermen of the city of Lynn, shall have power and authority to open the ground in any part of the streets, lanes, and highways, in said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground, in said streets, lanes, and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance ; *provided*, that the said mayor and aldermen for the time being, shall at all times have the power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of the said city.

May lay and repair pipes.

Provided.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 28, 1853.*]

An Act concerning the Manner of Voting at certain Elections.

Chap. 36

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All votes and ballots for Governor, Lieutenant Governor, Senators and Representatives of the Commonwealth, Electors of President and Vice President of the United States, and Representatives in Congress, and all votes and ballots to be given at the meetings to be held on the first monday of March of the present year for the election of delegates to be chosen under the provisions of an act relating to the calling of a convention of delegates of the people for the purpose of revising the constitution of the Commonwealth, may be deposited in the ballot-box in a sealed envelope, or without any envelope, at the option of each voter ; and if in any case more than one vote or ballot is found in any one en-

Manner of voting

With or without envelope.

Votes may be rejected.

velope, bearing the name of the same person, for the same office, all but one vote or ballot shall be thrown out; and if two or more votes or ballots be found in one envelope bearing the names of different persons for the same office, all such votes and ballots shall be rejected; and any envelope found to contain only a blank, shall not be counted as a vote or ballot.

State envelopes to be used.

SECT. 2. Self-sealing envelopes of uniform size and color, bearing the emblematic seal of the Commonwealth, shall be furnished at the expense of the state, (as heretofore, in accordance with the provisions of a law passed in the year 1851,) to all persons who may desire, at any election hereinbefore specified, to deposit their ballots therein, and no other envelopes shall be used at the polls.

Inconsistent acts repealed.

SECT. 3. The act entitled, "An Act for the better Security of the Ballot," passed on the twenty-second day of May, in the year one thousand eight hundred and fifty-one; and the act entitled "An Act in addition to an Act for the better Security of the Ballot," passed on the twentieth day of May, in the year one thousand eight hundred and fifty-two, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 2, 1853.*]

Chap. 37

An Act to incorporate the Beverly Marine Railway.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. F. W. Choate, A. T. Leach, Edward Kilham, their associates and successors, are hereby made a corporation, by the name of the Beverly Marine Railway, in Beverly;—for the purpose of constructing and maintaining a railway, suitable for repairing vessels:—with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

To construct Marine Railway. Powers and privileges.

Real estate \$15,000.

Provided.

SECT. 2. The said corporation may hold real and personal estate, necessary for the purpose aforesaid, not exceeding in amount fifteen thousand dollars:—*provided*, that no shares in the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value thereof when first issued.—And the debts of said corporation shall not at any time exceed the amount of its capital stock actually paid in; and in case of any such excess, the officers contracting the same shall be jointly and severally liable therefor.

Officers liable in certain cases.

SECT. 3. This act shall in no wise impair the legal rights of any person whomsoever. *[Approved by the Governor, March 9, 1853.]* No rights to be impaired.

An Act to authorize the City of Boston, to found and maintain a Public Library. *Chap. 38*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Boston is hereby authorized to found and maintain a Public Library, and to make such expenditures, establish such regulations, fix such penalties for the breach thereof, and do all such acts and things as may be deemed necessary or proper to that end ; and the powers hereinbefore named, may be exercised by the City Council of the said city, in any manner which they may prescribe, and by the agency of any persons to whom they may delegate the same : *provided, however,* that the expenditures hereinbefore mentioned, shall not exceed the sum of one hundred and fifty thousand dollars, within four years from the first day of January, in the year eighteen hundred and fifty-three ; nor the sum of ten thousand dollars in any one year after that time. City Council may make expenditures and regulations. May appoint an agent. Provided.

SECT. 2. The fifty-second chapter of the statutes of the year eighteen hundred and forty-eight, entitled, “ An Act to authorize the City of Boston to establish a Public Library,” is hereby repealed. Former act repealed.

SECT. 3. This act shall take effect from and after its acceptance by the City Council of the said city of Boston. *[Approved by the Governor, March 12, 1853.]* Takes effect.

An Act to authorize the Salem Gas Light Company to extend their Pipes. *Chap. 39*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Salem Gas Light Company, a corporation established by law, are hereby authorized to extend their pipes and conductors into the town of Danvers, and to establish a Gasometer in said town, for the purpose of supplying the inhabitants of said town with gas : And for this purpose, said company, with the consent of the selectmen of said town, shall have power and authority to open the ground in any part of the streets, lanes and highways, in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid : And Corporation may extend their pipes to Danvers. Power and authority.

Corporation to
repair streets.

Provided.

the said corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen for the time being, shall have power at all times to regulate, restrict and control the acts and doings of said company, in said town, which may in any manner, affect the health, safety or convenience of the inhabitants thereof.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1853.*]

Chap. 40

An Act to incorporate the Cambridgeport Institution for Savings.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons
incorporated.

T. B. Bigelow, Benjamin Tilton, George C. Richardson, their associates and successors, are hereby made a corporation, by the name of the Cambridgeport Savings Bank, to be established and located in Cambridgeport, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to Institutions for Savings. [*Approved by the Governor, March 15, 1853.*]

Chap. 41

An Act to authorize James Emery, to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be
built in
Provincetown.

James Emery is hereby authorized to build and maintain a wharf, from his own land, adjoining the harbor of Provincetown, and to extend the same to eight feet of water at low tide, and to lay vessels at the said wharf, and receive wharfage and dockage therefor : *provided*, that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 15, 1853.*]

Provided, etc.

Chap. 42

An Act to incorporate the Central Square Baptist Society in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Noah Sturtevant, H. A. Stevens, B. L. Crocker and James Cutler, their associates and successors, are hereby

made a corporation, by the name of the Central Square Baptist Society in Boston ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the twentieth chapter of the Revised Statutes, and in that part of the forty-fourth chapter of said statutes which relates to parishes and religious societies, and also in all other general laws which relate to parishes and religious societies.

SECT. 2. Said corporation may hold real and personal estate, or either, to an amount not exceeding forty thousand dollars ; *provided*, the income thereof shall be applied to parochial purposes, except so much of said income as may be needed to pay the principal and interest of any sums of money which may be hired on mortgage of the real estate of said society or otherwise.

Estate not to exceed \$40,000.

Provided.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, March 15, 1853.]

Takes effect.

An Act to incorporate the Yarmouth-port Ice Company.

Chap. 43

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Nathaniel S. Simpkins, Amos Otis, John Eldrich, their associates and successors, are hereby made a corporation, by the name of the Yarmouth-port Ice Company, in the town of Yarmouth ; for the purpose of cutting, storing, transporting and vending ice ; and for this purpose they shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Powers and privileges.

SECT. 2. The capital stock of the said corporation shall not exceed fifty thousand dollars, and the same may be invested and held in such real and personal estate as shall be necessary and convenient for carrying on the business of said corporation ; *provided*, that no shares in the capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued ; and *provided, also*, that this act shall in no wise impair the legal rights of any person. [Approved by the Governor, March 15, 1853.]

Capital not to exceed \$50,000.

No stock issued under par.

No legal rights impaired.

An Act to change the Name of the South Precinct in Bridgewater, and for other purposes.

Chap. 44

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The religious society in the town of Bridgewater in the county of Plymouth, which was originally incor-

Title changed.

porated by the name of the South Precinct in Bridgewater, may hereafter take the name of the First Congregational Society in Bridgewater.

Transactions
under former
name made valid.

SECT. 2. All the previous transactions of said society under or by the name of the First Congregational Society in Bridgewater, or any other name they may have used in the transaction of their business, are hereby confirmed and made valid in law, so far as relates to the name under or by which they may have acted.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1853.*]

Chap. 45

An Act to set off a Part of the Town of Stoneham and annex the same to the Town of Melrose.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Territory set off
and annexed.

SECT. 1. So much of the town of Stoneham in the county of Middlesex, as lies easterly of a line commencing at the stone monument between the towns of Stoneham and Melrose at the corner of the "Wilson Place," and thence running North thirteen degrees thirty minutes, East two hundred and seventy-four rods, to a stone monument between the towns of Stoneham and South Reading, with all the inhabitants and estates thereon, is hereby set off from said town of Stoneham and annexed to said town of Melrose.

Payments of
taxes heretofore
assessed.

SECT. 2. The said inhabitants and estates so set off shall be liable to pay all taxes that have been legally assessed on them by the town of Stoneham, in the same manner as if this act had not been passed.

Provision for
support of
paupers.

SECT. 3. If any persons who have heretofore gained a legal settlement in said town of Stoneham, by reason of residence on the territory set off as aforesaid, or who may derive such settlement from any such residence, shall hereafter come to want, and stand in need of relief or support, as paupers, they shall be relieved and supported by the town of Melrose in the same manner as if they had gained a legal settlement in that town.

Taxes—how
proportioned.

SECT. 4. The town of Melrose shall pay to the treasurer of the town of Stoneham until the next decennial census, the just proportion of all state and county taxes, which may be assessed upon said Stoneham, in proportion to the valuation of the polls and estates hereby set off to Melrose. The said proportion shall be fixed by the valuation of the said polls and estates next preceding the passage of this act.

SECT. 5. In case the surplus revenue of the United States heretofore received by said town of Stoneham should ever be refunded, the town of Melrose shall pay such proportion of the same as the valuation of the polls and estates of said territory bears to the whole valuation of said town of Stoneham.

Surplus revenue
—how to be
refunded.

SECT. 6. The school house with the lot of land on which it stands in said territory, shall be the property of the town of Melrose from and after the passage of this act; the said town of Melrose shall pay the said town of Stoneham the sum of fifteen hundred and thirty-one dollars, as the price of the same in three years after the passage of this act, with interest annually.

School house to
be paid for in
three years with
interest.

SECT. 7. Peter Green, Jonathan Green, Joshua Green, Jesse Green second, and James S. H. Green, who reside in Stoneham, near the territory hereby set off to Melrose, and any other occupants of the houses in which the said Greens reside, shall have the privilege of sending their children to the school house in said territory, and the town of Stoneham shall every year pay to the town of Melrose for the schooling of said children, so much of the whole sum expended by the town of Stoneham for schools and schooling in every year, as the number of the children so sent to school out of Stoneham into Melrose, bears to the whole number of children belonging to Stoneham attending school during the same year.

Children may
attend school—
expenses, how
to be paid.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1853.*]

An Act to incorporate the Mutual Safety Fire Insurance Company. *Chap. 46*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

William Locke Brown, William H. Willis, John T. Paine, their associates and successors, are hereby made a corporation, by the name of the Mutual Safety Fire Insurance Company, in the town of South Reading, for the term of twenty-eight years, for the purpose of insuring, on the mutual principle, dwelling houses and other buildings, and personal property, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which have been or shall be hereafter enacted, relating to mutual fire insurance companies. [*Approved by the Governor, March 15, 1853.*]

Corporators.

Principle of
insuring.

Duties, liabilities,
etc.

Chap. 47

An Act to authorize Seth Collins to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Dennis.

Seth Collins is hereby authorized to build and maintain a wharf, from his land on Bass River, in the town of Dennis, and to extend the same to the channel ; and shall have the right to lay vessels at said wharf, and to receive wharfage and dockage therefor : *provided*, that this grant shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 15, 1853.*]

Provided.

Chap. 48

An Act to authorize Reuben Ryder, 2d, to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Provincetown.

Reuben Ryder, 2d, is hereby authorized to build and maintain a wharf, from his own land, adjoining the harbor of Provincetown, and to extend the same into the harbor as far as low water mark, lowest ebb, and to lay vessels at the said wharf, and receive wharfage and dockage therefor : *provided*, that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 15, 1853.*]

Provided.

Chap. 49

An Act in addition to an Act in relation to the Office of Secretary of the Board of Education.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salary of
Secretary
increased.

The secretary of the Board of Education, in addition to his present salary, shall receive the sum of four hundred dollars, to be paid in quarterly payments, out of the treasury of the commonwealth, commencing from the termination of payments under the will of the late Edmund Dwight. [*Approved by the Governor, March 15, 1853.*]

Chap. 50

An Act to incorporate the Ware Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Arthur L. Devens, George H. Gilbert, and Charles A. Stevens, their associates and successors, are hereby made a corporation, by the name of the Ware Gas Light Company,

for the purpose of manufacturing and selling gas in the town of Ware, in the county of Hampshire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To make and sell gas.

Duties, liabilities, etc.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

Real estate not to exceed \$50,000.

Capital stock \$100,000.

SECT. 3. Said corporation, with the consent of the selectmen of said town, shall have power and authority to open the ground in any part of the streets, lanes and highways of said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall at all times have power to regulate, restrict and control all such acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants thereof.

May open ground and lay pipes.

Provided.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No stock issued under par.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1853.*]

An Act to incorporate the Pawtucket Gas Light Company.

Chap. 51

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Claudius B. Farnsworth, John B. Read, and Ellis B. Pitcher, their associates and successors, are hereby made a corporation, by the name of the Pawtucket Gas Light Company, for the purpose of supplying the inhabitants of the town of Pawtucket with gas; and for this purpose may erect gas works in said town, or contract with any other gas company, within or without the commonwealth, or with any individual or individuals, for a supply of gas; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Privileges.

Duties, liabilities, etc.

SECT. 2. Said corporation may, for the purposes aforesaid,

Real estate not to exceed \$50,000.

hold real estate not exceeding in value fifty thousand dollars ; and the whole capital stock shall not exceed one hundred thousand dollars.

Capital
\$100,000.

May open ground and lay pipes.

Provided.

SECT. 3. Said corporation, with the consent of the selectmen of the town of Pawtucket, shall have power and authority to open the ground in any part of the streets, lanes and highways in the said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid ; and the corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may, in any manner, affect the health, safety or convenience of the inhabitants of said town.

No shares issued under par.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1853.*]

Chap. 52 An Act in addition to “An Act to set off a part of the Town of Dedham, and to annex the same to the Town of Walpole.”

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

List of voters to be furnished.

And at what time.

Fine for neglect, etc.

The list of voters required to be furnished by the selectmen of the town of Walpole, to the selectmen of the town of Dedham, by the second section of the one hundred and sixty-sixth chapter of the acts passed in the year one thousand eight hundred and fifty-two, entitled “An Act to set off a Part of the Town of Dedham, and to annex the same to the Town of Walpole,” shall be made up, and delivered, annually, not more than twenty, nor less than fifteen days before the second Monday of November in each year ; and for every neglect by the said selectmen of Walpole so to furnish such list, the said selectmen of Walpole shall forfeit the sum of one hundred dollars ; and for the making of any false return, in respect to any part of such list, the said selectmen of Walpole, shall forfeit the sum of twenty dollars for every name, in respect to which, a false return shall have been made. [*Approved by the Governor, March 17, 1853.*]

An Act to incorporate the Magonsett Fishing Company.

Chap. 53

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles S. Nye, James Witherell, and Charles O. Corporators.
Nye, citizens of North Falmouth, their associates and successors, are hereby made a corporation, by the name of the Magonsett Fishing Company, and are empowered to regulate the Brook running from Dam Pond, so called, to Wild Harbor, in said Falmouth, so far as is necessary for the purpose of an alewife fishery ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Powers and privileges.

SECT. 2. If any person, without the permission of the corporation, shall take, catch, or haul on shore any alewives in said brook, or within one-eighth of a mile, in any direction from the mouth of said brook, he shall forfeit and pay for the use of said corporation, a sum not exceeding two dollars, if the quantity so taken be less than one barrel ; but if the quantity so taken be more than one barrel, the person so offending shall forfeit and pay for each barrel of fish so taken, five dollars, to be recovered in any court proper to try the same. Liability to fines.

SECT. 3. If any damage shall be done by said corporation to the property of any individual, not a member of the corporation, such individual shall be entitled to reasonable damage, to be estimated in the same manner as damages occasioned by the laying out of highways. Liability for damaging property.

SECT. 4. This act shall take effect from and after its passage. Takes effect.
[Approved by the Governor, March 17, 1853.]

An Act to incorporate the Abington Savings Bank.

Chap. 54

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Ezekiel Thaxter, Isaiah Noyes, J. N. Giles, their associates Corporators.
and successors, are hereby made a corporation, by the name of the Abington Savings Bank, to be established and located in the town of Abington ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. Duties, liabilities etc.
[Approved by the Governor, March 17, 1853.]

Chap. 55 An Act to revive the Charter of the Taunton and Middleborough Railroad Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter revived.

Company may locate the road. Privileges. Provided.

SECT. 1. The charter of the Taunton and Middleborough Railroad Corporation, granted by the act of one thousand eight hundred and forty-eight, chapter one hundred and sixty-two, is hereby revived ; and the said company are hereby authorized to locate and construct the road mentioned in said charter ; with all the privileges, and subject to all the liabilities, in said act mentioned : *provided*, that said location shall be filed before the first day of January next, and said road completed before the first day of September, in the year one thousand eight hundred and fifty-four.

Name of corporation changed.

SECT. 2. The said company are hereby authorized to take, and shall hereafter be known by the name of the "Middleborough and Taunton Railroad Corporation."

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1853.*]

Chap. 56 An Act to incorporate the Commercial Mutual Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Charles R. Tucker, Edward D. Mandell, George O. Crocker, their associates and successors, are hereby made a corporation, by the name of the Commercial Mutual Marine Insurance Company, to be established in the city of New Bedford, for the purpose of making maritime loans and insurance against maritime losses, on the principle of a mutual insurance company ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created ; to continue for the term of ten years.

Purpose.

Duties, restrictions, etc.

Policies not to be issued nor dividends to be made till, etc.

SECT. 2. No policy shall be issued, until the sum of one hundred thousand dollars shall have been subscribed ; and no division of any funds or profits shall be made to the subscribers or stockholders, until the expiration of their charter ; but such funds or profits shall be invested in such securities or stocks, as are required by law of insurance companies now incorporated.

SECT. 3. The said corporation may hold real estate to the amount of twenty thousand dollars. Real estate \$20,000.

SECT. 4. The said corporation shall be restricted to an amount not exceeding ten thousand dollars on any one risk, until its funds or invested capital shall reach the sum of one hundred and fifty thousand dollars. *[Approved by the Governor, March 17, 1853.]* Risks restricted to \$10,000 until, etc.

An Act for the better Establishment of the Police Court of Salem.

Chap. 57

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The standing justice of the Police Court, of the city of Salem, shall receive an annual salary of not less than twelve hundred dollars, the amount of which, if above that sum, shall be determined, not oftener than once in each year, by the concurrent vote of the two branches of the city council of said city ; and said salary shall be paid to him, in equal quarterly payments, out of the treasury of said city, and shall be in full for all services which he now is, or may hereafter be required or authorized to perform as said justice. Salary of standing justice.

SECT. 2. The mayor and aldermen of the city of Salem, shall forthwith, and hereafter in the month of May, annually, and whenever a vacancy may occur, appoint a suitable person to be clerk of said Police Court, who shall be paid for his services as said clerk, as hereinafter provided ; and in the case of the absence or death of said clerk, the said justice may appoint a clerk *pro tempore*, who shall be paid at the rate of two dollars *per diem*, to be deducted from the salary of the standing clerk, and for whose official acts and doings the said justice shall be responsible, and who shall officiate as clerk until the standing clerk shall resume the performance of his duties, or until another clerk shall be duly appointed. To be paid quarterly

SECT. 3. The clerk shall be sworn to the faithful performance of his duties, and shall give bond to the city of Salem, in such sum as the board of mayor and aldermen of said city shall from time to time order, with a surety or sureties to the acceptance of the city treasurer, with condition for the faithful performance of the duties of his office, and of the duties prescribed to him in this act. Mayor and aldermen to appoint a Clerk of Police Court.

SECT. 4. The clerk shall attend all sessions of said court, whether for the transaction of criminal or civil business, and shall keep a record of all the proceedings of said court ; and the records of proceedings in civil cases shall be kept in a different book and separate from the records of proceedings in matters of a criminal nature. Justice may appoint a clerk pro tempore to be paid.

Clerk to be sworn and give bond for faithful performance of duties.

Clerk to keep a record of all criminal and civil business in separate books.

Clerk to make all warrants, etc., and to tax bills of cost, receive fines, forfeitures, etc.

SECT. 5. The said clerk shall make all warrants, writs and processes which shall be ordered by said court, and tax all bills of costs, and receive all fines and forfeitures, and fees, awarded and payable in said court, and all fees for blanks, and for copies in civil and criminal suits.

Clerk to account to the city treasurer quarterly for fees and charges received.

SECT. 6. All fees and charges, both in civil and criminal proceedings, now by law received by or payable to the said standing justice, shall be received by said clerk, and by him accounted for quarterly to the treasurer of said city of Salem, and he shall forthwith pay over the amounts due thereon to said treasurer.

Fines, costs, etc., how disposed of.

SECT. 7. All fines and forfeitures received by said clerk or by said justice, and all costs in criminal prosecutions so received, except the fees and charges named in the sixth section of this act, shall be accounted for and paid over by said clerk, in the same manner and under the same penalties for neglect, as are now prescribed with regard to the standing justice of said court. And all costs and charges arising in criminal prosecutions, which shall not be paid by said clerk, as above provided, shall by said clerk be taxed, certified, allowed and paid in like manner, as is now provided with regard to said standing justice.

Fees of special justices for holding courts.

SECT. 8. Whenever the said Police Court shall be held by either of the special justices thereof, the said special justices shall receive, in compensation for their services, the fees to which they are by law entitled; *provided, however*, that when the sum of one hundred dollars shall have been thus earned in any one year, by either, or both of said special justices, the said special justices shall thereafter be paid, in full for their services as such justices, at the rate of four dollars *per diem*, to be deducted from the salary of the standing justice, and the fees to which they or either of them would otherwise be entitled, shall be received by the clerk and by him accounted for, and paid to the city treasurer, as hereinbefore provided, with regard to the standing justice.

When \$100 shall have been earned to receive \$4 per day.

To be deducted from salary of the standing justice.

Clerk to receive an annual salary of \$700.

SECT. 9. The said clerk shall receive, in full compensation for all his services as said clerk, except for such copies as he is not by law bound to furnish, an annual salary of not less than seven hundred dollars, the amount of which, if above that sum, shall be determined not oftener than once in each year, by the concurrent vote of the two branches of the City Council of said city of Salem, and said salary shall be paid in equal quarterly payments, out of the treasury of the city of Salem.

To be paid quarterly by treasurer of the city of Salem.

Jurisdiction and power of Police Court.

SECT. 10. The said Police Court, in addition to the jurisdiction which it now has, shall have exclusive jurisdiction of all crimes, offences and misdemeanors, committed within the

said city of Salem, whereof the said Police Court and justices of the peace for the county of Essex now have jurisdiction ; and said Police Court shall also have original jurisdiction and cognizance of all suits and actions whereof any justice of the peace in the county of Essex now has or hereafter may have jurisdiction, and exclusive jurisdiction, whenever any person summoned as trustee in any such action resides in the city of Salem, and service has been duly made on said supposed trustee ; *Provided, etc.* *provided*, that nothing in this act contained shall prevent any justice of the peace, within the county of Essex, from issuing a warrant in any criminal suit or prosecution within said county, returnable before said court ; but no fees shall be allowed to any justice of the peace for any such warrant, unless it shall appear to the court that there was just and reasonable cause for issuing it.

SECT. 11. The standing justice of the said court, or either of the special justices, or any justice of the peace of the county of Essex, may issue a warrant under the forty-ninth chapter of the Revised Statutes, and such warrant may be made returnable before said Police Court ; but no justice of the peace within the city of Salem shall exercise any further jurisdiction than to issue such warrant ; and any party aggrieved by the judgment of said court, in any case, whether civil or criminal, may appeal therefrom to the Court of Common Pleas, *or* said county of Essex, in the same manner now provided for appeals from said Police Court. Warrants, how issued, returned, and disposed of

Party aggrieved may appeal

SECT. 12. Neither the standing justice, nor the clerk, shall be retained or employed as counsel or attorney, in any suit, complaint, application, petition, or other proceeding whatever, before said court, nor in any which shall have been heard or examined therein ; and neither of the special justices shall be retained or employed as counsel or attorney in any matter which shall have been heard or examined before them respectively. Neither of the justices nor clerk to be employed as counsel.

SECT. 13. A court shall be holden by the said standing justice, or one of the special justices, at some suitable and convenient place, to be provided at the expense of the city of Salem, on every day of the week, Sundays excepted, at nine of the clock in the forenoon, to take cognizance of crimes, offences and misdemeanors, and on one fixed day of each week, at ten of the clock in the forenoon, and by adjournment as much oftener as may be necessary, for the entry and trial of civil actions, the hearing of motions, and such other civil business as may come before it. Court to hold daily sessions except Sunday.

SECT. 14. The jurisdiction of the Police Court of the city of Salem shall not be limited by reason of any interest on the part of the justices of said court, or either of them, in the Jurisdiction not to be limited, etc.

payment of fines and costs into the treasury of the city of Salem, or of the county of Essex.

Inconsistent acts repealed.

SECT. 15. All acts and parts of acts, inconsistent with this act, are hereby repealed.

When to take effect.

SECT. 16. This act shall be in force and take effect from and after its acceptance by the city of Salem, by the concurrent vote of the two branches of the city council of said city of Salem. [*Approved by the Governor, March 17, 1853.*]

Chap. 58

May subscribe \$25,000.

To take effect when accepted by three-fourths of the stockholders of T. B. Railroad.

An Act to authorize the Taunton Branch Railroad Corporation to Subscribe to the Middleborough and Taunton Railroad Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Taunton Branch Railroad Corporation is hereby authorized to subscribe for the stock of the Middleborough and Taunton Railroad Corporation, to an amount not exceeding twenty-five thousand dollars: *provided*, that this act shall not take effect until the same shall have been accepted by a vote of at least three-fourths of the stockholders in said Taunton Branch Railroad Corporation, present and voting at a meeting called for that purpose. [*Approved by the Governor, March 17, 1853.*]

Chap. 59

Corporators.

To make and sell gas.

Real estate not to exceed \$50,000.

No shares issued under par.

An Act to incorporate the Northampton Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William H. Stoddard, Samuel A. Fiske, and Daniel Kingsley, their associates and successors, are hereby made a corporation, under the name of the Northampton Gas Light Company, for the purpose of making and selling gas in the town of Northampton; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may hold such real and personal estate, as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of fifty thousand dollars.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. Said corporation, with the consent of the selectmen of the town of Northampton, shall have power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said company, after opening the ground in said streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said company, which may, in any manner, affect the health, safety or convenience of the inhabitants of said town. May open ground lay pipes, &c.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1853.*]

An Act to incorporate the Worcester County Carpet Mills.

Chap. 60

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. William M. Bickford, George Bowen, Timothy W. Baneroff, William Barker, their associates and successors, are hereby made a manufacturing corporation, by the name of the Worcester County Carpet Mills, for the purpose of manufacturing cotton and woollen fabrics and machinery, and other articles necessary or convenient to be used therefor, and carrying on the business thereof, in the city of Worcester, in the county aforesaid; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators.
Purpose.
Powers, etc.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate, in amount not exceeding one hundred and fifty thousand dollars, and their whole capital stock shall not exceed five hundred thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. Real estate not to exceed \$150,000 nor capital \$500,000.
No shares issued under par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1853.*]

Chap. 61 An Act in addition to "An Act concerning the Malden Canal Company."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Terminus of
Canal.

SECT. 1. The southerly side of the Saugus Branch Railroad, in Malden, to which the Malden Canal is now completed, shall be the northerly terminus of said canal.

Capital stock to
be divided.

SECT. 2. Said Malden Canal Company shall have power to divide their capital stock into such number of shares as the stockholders by vote shall determine: *provided*, that no share of said capital stock shall be issued for a less sum or amount to be actually paid in on each, than the par value to be fixed by said stockholders.

Shares not issued
less than par
value.

SECT. 3. All provisions contained in the Act passed April sixteenth, one thousand eight hundred and forty-six, entitled, "An Act to establish the Malden Canal Company," and also in an act passed March twenty-third, one thousand eight hundred and fifty, entitled, "An Act concerning the Malden Canal Company," not consistent with the foregoing sections, are hereby repealed [*Approved by the Governor, March 19, 1853.*]

Inconsistent acts
repealed.

Chap. 62 An Act to authorize Lewis L. Sellew to build a Wharf in Truro.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May build a
wharf in Truro.

Lewis L. Sellew is hereby authorized to build and maintain a wharf at Pond Village, in the town of Truro, and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 19, 1853.*]

Provided, etc.

Chap. 63 An Act to incorporate the Jamaica Plain Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Melancthon Smith, John C. Pratt, and David S. Greenough, their associates and successors, are hereby made a corporation, by the name of the Jamaica Plain Gas Light Company, for the purpose of manufacturing and selling gas in the town of West Roxbury; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth

May make and
sell gas in West
Roxbury.

in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value eighty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars.

Real estate
\$80,000.

Capital stock
\$100,000.

SECT. 3. Said corporation, with the consent of the selectmen of the town of West Roxbury, shall have power and authority to open the ground in any part of the streets, lanes and highways in the said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the corporation, after opening the ground in such streets, lanes and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of said town.

May open ground,
lay pipes, etc.

Provided

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

No shares issued
underpar.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1853.*]

An act in addition to the several Acts respecting the Boston and Maine Railroad. *Chap. 64*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Boston and Maine Railroad are hereby authorized to alter the draw in their bridge over Charles River, or to construct another draw by the side of the present draw, as shall be determined by the commissioner hereinafter mentioned, in such a manner, as to enable them to connect and use the side tracks now on said bridge.

Commissioner
authorized to
alter draw or con-
struct another.

SECT. 2. Said draw shall be altered, under the direction of a commissioner, to be appointed by the governor and council, who shall be paid by said Boston and Maine Railroad;—and said road shall be held liable to keep said draw in good repair, and to open the same and afford all proper accommodations to vessels having occasion to pass the same by day or by night.

Commissioner—
how appointed
and paid.

Vessels may pass
draw by day or
by night.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1853.*]

Chap. 65

An Act to authorize Isaac Bea and others to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. Isaac Bea, Joseph Young, Oliver A. Nickerson and their associates, are hereby authorized to build and maintain a wharf from their land, at the south-west branch of the old harbor in Chatham, and to extend the same two hundred feet into the harbor ; and they shall have the right to lay vessels at the said wharf and to receive dockage and wharfage therefor : *provided*, that the said wharf shall in no way obstruct the anchorage for vessels in said harbor ; and *provided also*, that this grant shall not interfere with the legal rights of any person. [*Approved by the Governor, March 19, 1853.*]

Wharf in Chatham—extend 200 feet into the harbor.

Provided, etc.

Chap. 66

An Act to incorporate the Waltham Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. Eliphalet Pearson, George Bigelow, Leonard P. Frost, their associates and successors, are hereby made a corporation, by the name of the Waltham Savings Bank, to be established and located in Waltham ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this commonwealth relating to institutions for savings. [*Approved by the Governor, March 19, 1853.*]

Name of corporation.

Duties, liabilities, etc.

Chap. 67

An Act to incorporate the Dorchester Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. William Richardson, Oliver Hall, Lewis Pierce, their associates and successors, are hereby made a corporation, by the name of the Dorchester Savings Bank, to be established and located in the town of Dorchester ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this commonwealth relating to institutions for savings. [*Approved by the Governor, March 19, 1853.*]

Duties, liabilities, etc.

An Act to incorporate the Dedham Gas Light Company.

Chap. 68

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joseph W. Clarke, Horatio Chickering, Eben S. Fisher, their associates and successors, are hereby made a corporation, by the name of the Dedham Gas Light Company, for the purpose of making and selling gas in the town of Dedham, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapter of the Revised Statutes.

Corporators.

Duties, liabilities, etc.

SECT. 2. Said corporation may hold real estate to an amount not exceeding fifty thousand dollars ; and the whole capital stock not to exceed one hundred thousand dollars.

Real estate not to exceed \$50,000.
nor capital \$100,000.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Shares not to be issued under par.

SECT. 4. Said corporation, with the consent of the selectmen of the town of Dedham, shall have power and authority to open the ground in any part of the streets, lanes, and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid. And the said company, after opening the ground in said streets, lanes and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided*, that said selectmen, for the time being, shall, at all times, have the power to regulate, restrict, and control the acts and doings of said company, which may, in any manner, affect the health, safety, or convenience of the inhabitants of said town.

May open the ground, lay pipes, etc.

Provide, etc.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1853.*]

An Act in relation to Sheriff's Bonds.

Chap. 69

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

It shall not be lawful for any sheriff to enter upon the duties of his office, or perform any official act by himself or any deputy, until the bond of such sheriff, required by law, shall be filed in the office of the treasurer of the commonwealth. [*Approved by the Governor, March 19, 1853.*]

Sheriffs to file bond in treasurer's office.

Chap. 70

An Act to establish the City of Lawrence.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lawrence to be a city.

SECT. 1. The inhabitants of the town of Lawrence shall continue to be a body politic and corporate, under the name of the city of Lawrence, and as such shall have, exercise, and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to the said town, as a municipal corporation.

Administration, etc., to be vested in a mayor, 6 aldermen, and 18 common councilmen.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be styled the mayor ; one council of six, to be called the board of aldermen ; and one council of eighteen, to be called the common council ; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business. And no member of either board shall receive any compensation for his services.

No compensation.

City divided into six wards.

SECT. 3. The city shall be, and the same is hereby divided into six wards, as follows :—All that portion of the city north of the Merrimack River, and east of a line drawn from said river northerly through the centre of Newbury Street to Meadow Street, thence through the centre of Meadow Street to the bridge over the Spicket River, on the Haverhill road, thence through the centre of the Haverhill road to Prospect Street, thence northerly through the centre of Prospect Street to the city line, shall be one ward, and known as Ward One.

Ward one.

All west of said line, and east of a line drawn from Merrimack River northerly through the centre of Lawrence Street until it reaches the city line, shall be one ward, and known as Ward Two.

Ward two.

All that portion west of the centre of said Lawrence Street and east of a line drawn through the centre of Hampshire Street northerly from the Merrimack River until it reaches Pine Street, thence through the centre of Pine Street until it reaches Lawrence Street, near the city line, shall be one ward, and known as Ward Three.

Ward three.

All that portion of the city west of said line drawn through Hampshire Street, and east of a line drawn through the centre of Turnpike Street northerly from the Merrimack River until it reaches the city line, shall be one ward, and known as Ward Four.

Ward four.

All that portion of the city north of the Merrimack River, and west of a line drawn through the centre of Turnpike Street northerly from said river, shall be one ward, and known as Ward Five.

Ward five.

All that portion of the city south of the Merrimack River, shall be one ward, and known as Ward Six.

Ward six.

It shall be the duty of the city council, in the year eighteen hundred and fifty-six, and after that, once in five years, and not oftener, to revise, and if it be needful, to alter the boundaries of the several wards in such manner that they may contain, as nearly as may be, an equal number of inhabitants.

City council shall revise the wards in 1856, and once in five years thereafter.

SECT. 4. On the first Monday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of the wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places and qualified to act. It shall be the duty of such warden to preside at all ward meetings, with the powers of moderators of town-meetings. And if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot. And if, at any meeting, the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all the proceedings and certify the votes given, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity.

Election of clerks, wardens, and inspectors.

In absence of warden clerk may preside.

Clerk *pro tem.* may be chosen.

And it shall be the duty of inspectors of elections to assist the warden in receiving, sorting, and counting the votes. And the warden, clerk, and inspectors of elections, so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties, relative to all elections; which oath may be administered by the clerk of such ward, to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Essex.

Duties of inspectors.

Oaths of ward officers—how administered.

All warrants for meetings of citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed, and returned, in such manner, and at such times, as the city council may, by any by-law, direct.

Warrants for meetings—how issued, etc.

SECT. 5. The mayor and six aldermen, one alderman to be selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards; and three common council men, and one person to be an over-

Election, qualification, and term of office of mayor, etc.

seer of the poor, and one person to be a member of the school committee, and one person to be an assistant assessor, shall be elected by the qualified voters of each ward, and shall be residents of the wards wherein they are elected. All said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in January, and until others shall be elected and qualified in their places.

SECT. 6. On the first Monday of December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, common council men, overseer of the poor, school committee, and assistant assessor, as provided in section five of this act; and all the votes so given, shall be sorted, counted, declared, and registered in open ward-meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The clerk of the ward shall, within twenty-four hours after such election, deliver to the persons elected members of the common council, overseer of the poor, school committee, and assistant assessor, certificates of their elections, signed by the warden and clerk, and by a majority of the inspectors of elections for such ward, and shall deliver to the city clerk a copy of the records of such elections, certified in like manner: *provided, however*, that if the choice of common councilmen, overseer of the poor, school committee, or assistant assessor, shall not be effected on that day, the meeting may be adjourned from time to time, but not more than seven days at any one time, until such election is completed. The board of aldermen for the time being, shall, as soon as conveniently may be, within seven days after such election, examine the copies of records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor to be notified, in writing, of his election; but if it shall appear that no person has received a majority of all the votes, or if the person elected shall refuse to accept the office, the board of aldermen shall issue their warrant for a new election, and the same proceedings shall be had as are hereinbefore provided for the choice of mayor, and repeated from time to time, until a mayor shall be chosen, and shall accept the office. In case of the decease, resignation, or absence of the mayor, or his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council, in convention, to elect a mayor to serve during the unexpired term, or until the occasion, causing the vacancy, be removed. And if it shall appear that the number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore provided for the choice of mayor. Each alder-

Proceedings at elections.

Certificates of election to be issued.

Provided, etc.

Mayor to be notified.

Proceedings in case of failure to elect.

Vacancies—how to be supplied.

Notice to aldermen.

man shall be notified, in writing, of his election by the mayor and aldermen for the time being.

The oath, prescribed by this act, shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Essex.

The aldermen and common council men elect, shall, on the first Monday in January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Essex; and a certificate of such oath having been taken shall be entered in the journal of the mayor and aldermen, and of the common council, by their respective clerks.

Oath of office administered and recorded.

And whenever it shall appear that no mayor has been elected previously to the said first Monday in January, the mayor and aldermen, for the time being, shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid.

In case of failure to choose mayor, etc.

After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and a clerk, who shall be sworn to the faithful discharge of their duties.

Organization of common council.

In case of the absence of the mayor elect, on the first Monday of January, the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches.

Proceedings in absence of mayor.

In the absence of the mayor, the board of aldermen may choose a chairman *pro tempore*, who shall preside at joint meetings of the two boards.

Mayor *pro tem*.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of an election, or in case of any vacancy declared by either board, the mayor and aldermen shall order a new election.

Each board to keep record, etc.

SECT. 7. The mayor, thus chosen and qualified, shall be the chief executive officer of the city; it shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to exercise a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished; he may call special meetings of the board of aldermen and common council, or either of them, when necessary in his opinion, by causing notices, in writing, to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures, as, in his

Duty of mayor.

Compensation.

opinion, the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only. His salary for the first year under this charter shall be five hundred dollars, and no more. He shall afterwards receive for his services, such salary as the city council shall determine, and shall receive no other compensation; but such salary shall not be increased or diminished during the year for which he is chosen.

Executive power of mayor and aldermen.

SECT. 8. The executive power of the said city generally, and the administration of the police, with all the power heretofore vested in the selectmen of Lawrence, shall be vested in, and may be exercised by, the mayor and aldermen, as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables and all other police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person who may be appointed marshal or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as may be deemed reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Bonds required of constable, etc.

Powers of mayor, aldermen, and common council.

All other powers now vested in the inhabitants of the said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of the said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city treasurer, collector of taxes, three assessors and a city clerk, and two persons to be selected from the members of the board of aldermen, to be overseers of the poor, and shall, in such manner as the said city council may determine by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of the commonwealth.

Appointments of certain officers.

Sittings to be public.

All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public, when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and

Safe keeping of city property.

sureties, from all persons intrusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it. And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen or of the common council: *provided, however*, that any member of either board may be elected to serve as mayor whenever a vacancy shall occur in that office, and any two members of the board of aldermen may be chosen overseers of the poor, as hereinbefore provided. Mayor to nominate.

SECT. 10. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; he shall perform all the duties and exercise all the powers by law incumbent upon or vested in the town clerk of the town of Lawrence. Duty of city clerk.

SECT. 11. The qualified voters of each ward, at their respective annual ward meetings, shall elect by ballot one person in their respective wards, who shall be a resident of the ward, to be an overseer of the poor, and the persons thus chosen, together with the mayor and the two aldermen selected by the city council, as hereinbefore provided, shall constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties, now by law pertaining to the overseers of the poor of the town of Lawrence. Overseers of poor

The qualified voters shall, at the same time and in like manner, elect one person in each ward, who shall be a resident of the ward, to be a member of the school committee, and he shall serve without compensation; and the persons so chosen, together with the mayor, who shall be, *ex officio*, chairman of the board, shall constitute the school committee, and have the care and superintendence of the public schools; and the said committee shall appoint, from their own number or otherwise, a secretary, to be under the direction and control School committee.

of said committee, superintendent of the schools ; and the compensation of such secretary shall be determined from year to year by the city council, on recommendation of the school committee.

Assistant
assessors.

The qualified voters shall, at the same time and in like manner, elect one person in each ward, who shall be a resident of the ward, to be an assistant assessor ; and it shall be the duty of the persons so chosen to furnish the assessors with all needful information relative to the persons and property taxable in their respective wards, and they shall be sworn to the faithful performance of their duty.

Duties, etc.,
of assessors.

The persons to be chosen by the city council as assessors, as hereinbefore provided, shall constitute the board of assessors, and shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in this commonwealth may exercise or be subject to under existing laws ; and they shall be sworn to the faithful performance of their duty.

Assessment, etc.,
of taxes.

All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this commonwealth : *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Fire department.

SECT. 12. An act establishing the fire department in the town of Lawrence, passed May tenth, in the year eighteen hundred and forty-eight, shall continue in force, and all the power and authority now vested in the selectmen of Lawrence, in relation to the fire department of that town, shall be transferred to and vested in the mayor and aldermen.

List of jurors.

SECT. 13. The list of jurors shall be prepared by the mayor and aldermen, in the same manner as is required in the ninety-fifth chapter of the Revised Statutes to be done by the selectmen within and for their respective towns ; and the lists, when made out, shall be submitted to the common council for concurrent revision or amendment.

Drawing of
jurors.

The mayor and aldermen and the city clerk shall severally have and exercise all the powers and duties, with regard to the drawing of jurors in the city, and all other matters relating to jurors therein, which are, by law, required to be performed by the selectmen and town clerk in their respective towns ; and all *venires* for jurors to be returned from Lawrence shall be served on the said mayor and aldermen.

Power of city
government in
respect to streets.

SECT. 14. The mayor and aldermen, with the concurrent vote of the common council, shall have exclusive power to lay out, alter or discontinue any street or town way, and to estimate the damage any individual may sustain thereby. And any person dissatisfied with the decision of the city coun-

cil, in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now by law provided in cases where persons are aggrieved by the assessment of damages by the selectmen, in the twenty-fourth chapter of the Revised Statutes.

SECT. 15. The mayor and aldermen, with the concurrent vote of the common council, shall have the power to cause drains and common sewers to be laid down through any street or private land, paying the owners such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into such public drain or common sewer. Power of city in respect to draining, etc.

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark, brought into the city for sale. And measurement of wood, etc

SECT. 16. All power and authority now vested by law in the board of health for the town of Lawrence, or in the selectmen thereof, shall be transferred to, and vested in, the city council, to be by them exercised in such manner as they may deem expedient. Health officers.

SECT. 17. The mayor and aldermen shall, in each year, issue their warrant for calling meetings for the election of the whole number of representatives to the general court to which the said city is by law entitled, and the number shall be specified in the warrant. Warrant for election of representatives.

SECT. 18. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections in the respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for such officers respectively shall be sorted, counted, declared and registered in open ward meetings, by causing the names of all persons voted for, and the number of votes given for each to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the records of such election. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the general Proceedings at meetings for choice of county, state, and federal officers.

court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the commonwealth.

List of voters.

SECT. 19. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver the said lists, so prepared and corrected, to the clerks of the said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. *Provided*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at any time thereafter and before the closing of the polls, upon presenting to the ward officers a certificate signed by the mayor or city clerk by order of the board of aldermen, setting forth his right to have his name thus entered.

Provided, etc.

SECT. 20. General meetings of the citizens qualified to vote may, from time to time, be held to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress for grievances, according to the rights secured to the people by the constitution of this commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters.

Meeting of the citizens.

SECT. 21. The city council shall have power to make all such salutary and needful by-laws, as towns by the laws of this commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court or other authority whatever: *provided, however*, that all laws and regulations now in force in the town of Lawrence shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force, and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

City council may make by-laws, etc.

Provided, etc.

SECT. 22. All fines, forfeitures, and penalties, accruing for the breach of any by-law of the city of Lawrence, or of any of the ordinances of the city council, or of any of the orders

Fines for breach of by-laws—how recovered.

of the mayor and aldermen, may be prosecuted for and recovered before the police court of the said city of Lawrence, by complaint or information, in the same manner in which other criminal offences are now prosecuted before the police courts within this commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas, then next to be held in the county of Essex, from the judgment and sentence of the police court. And the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein in the same manner, as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this commonwealth. And it shall be sufficient, in all such prosecutions, to set forth in the complaint the offence fully, plainly, substantially and formally; and it shall not be necessary to set forth such by-law, ordinance or order, or any part thereof. All fines, forfeitures and penalties, so recovered and paid, shall be paid to the treasurer of the city of Lawrence, and shall enure to such use as the said city council shall direct. When any person, upon any conviction, before the police court for any breach of any by-law of said city of Lawrence, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law, ordinance or order, or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, and upon not paying the fine, penalty, or forfeiture, and costs so assessed upon him, he shall be committed to prison, there to remain until he shall pay such fine, forfeiture or penalty, and cost, or be otherwise discharged, according to law.

Right of appeal.

Complaint, how set forth.

Fines to be paid to city treasurer.

Persons refusing to pay fines, how punished.

The provisions of this section shall also apply to all prosecutions founded on the by-laws or ordinances of the town of Lawrence, which may continue in force after this act shall go into operation, and all the powers of the police court already established shall be continued to it.

This section applies to town by-laws.

SECT. 23. For the purpose of organizing the system of government hereby established, and putting the same into operation, in the first instance, the selectmen of the town of Lawrence for the time being shall, within thirty days after the acceptance of this act, issue their warrant, seven days at least previous to the day so appointed, for calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is pro-

First organization of city government.

vided for in the preceding sections of this act ; and the transcripts of the records of each ward specifying the votes for the several officers aforesaid, certified by the warden and clerk of each ward at such first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and, in case said election should not be completed at the first meeting, then to issue new warrants until such election shall be completed, and to give notice thereof, in the manner hereinbefore provided to the several persons elected.

Any legal voter
may call the
meeting to order.

And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order and preside until a warden shall have been chosen. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided. And the selectmen shall appoint such time for the first meeting of the city council as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and fifty-three, and shall also fix upon the place and hour of the said first meeting, and a written notice thereof shall be sent by said selectmen to the place of abode of each of the city officers chosen as provided in this section.

Subsequent
organizations.

And after the first election of city officers, and this first meeting for the organization of the city council as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided in the sixth section of this act. And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices, respectively, until others are chosen and qualified.

Annual town
meeting
suspended, etc.

SECT. 24. The annual town meeting of the town of Lawrence, which by law is to be held in March or April, is hereby suspended, and all town officers now in office shall hold their places until this act shall take effect, and their successors are chosen and qualified.

Proceedings in
case of non-
acceptance of
this charter.

And in case this act shall not be accepted as hereinafter provided, the selectmen shall issue their warrant according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed. The warrant for calling the said town meeting shall be issued within seven days from the rejection of this act, provided the same shall not be accepted.

Delivery of
records, etc.

SECT. 25. All officers of the town of Lawrence having

the care and custody of any records, papers, or muniments of property belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

SECT. 26. All such acts, and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are hereby repealed. Inconsistent acts repealed.

SECT. 27. Nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same whenever they shall deem it expedient. Legislature may amend.

SECT. 28. This act shall be void unless the inhabitants of the town of Lawrence, at a legal meeting called for that purpose, at which the selectmen shall preside and the check list be used in the same manner as at meetings called to choose state officers, and the polls kept open at least six hours, shall, by a vote of the majority of the voters present and voting thereon, yea or nay, by a written ballot, determine to adopt the same, within twenty days from and after its passage. Act to be void unless adopted by inhabitants.

SECT. 29. This act shall go into operation from and after its passage. [*Approved by the Governor, March 21, 1853.*]

An Act to incorporate the Town of North Reading.

Chap. 71

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All that portion of the town of Reading, lying northerly of a line commencing at Wilmington, on Ipswich River ; thence down the thread of said river to Bear Meadow Brook ; thence southerly, up the thread of said brook to a stone monument at a maple stump ; thence in a straight line to a stone monument on Bear Meadow Causeway ; thence eastwardly in a straight line, to a stone monument north of Tolman's Island, then eastwardly in a straight line to a stone monument at the north west corner of Israel A. Parson's land ; thence southerly in a straight line to a stone monument on said Parson's land ; thence easterly, in a straight line to a stone monument at Lynnfield line : is hereby incorporated into a town by the name of North Reading ; and the said town of North Reading is hereby vested with all the powers, privileges, rights and immunities, and made subject to all the duties and regulations, to which other towns are entitled and subjected by the constitution and laws of this commonwealth. Part of Reading set off.

SECT. 2. The said towns of Reading and North Reading shall be respectively liable for the support of all persons who shall hereafter become paupers, whose legal settlement had been gained within their respective limits at the time of the Powers and privileges.

Paupers, how to be supported.

passage of this act, or whose legal settlement was derived or gained from a settlement which had been gained or derived within their respective limits, at the time of the passage of this act, unless such persons so becoming paupers as aforesaid, shall have acquired a legal settlement in either of said towns since the passage of this act; in which event, the town in which such legal settlement has been so gained, shall be liable for their support upon their becoming paupers.

Surplus revenue.
how pro-
portioned,

SECT. 3. The town of North Reading shall be entitled to and receive from the town of Reading, one-third only of the surplus revenue of the United States, deposited with said last named town, by virtue of the laws of this commonwealth, and shall pay to said town of Reading the one-third part thereof so received, whenever the town of Reading shall be called upon to repay said surplus revenue, deposited with said town by authority of law, which right to receive and obligation to repay may be enforced by an action at law, in any court competent to try the same.

And how be
refunded.

North Reading to
pay its propor-
tion of debts and
taxes as specified.

SECT. 4. The town of North Reading shall be holden to pay to the town of Reading its proportion of all debts and liabilities, for which the town of Reading may be liable when this act takes effect, and shall be holden to pay all arrearages of taxes legally assessed upon its inhabitants, and also its proportion of all such state and county taxes as may be legally required of said town of Reading, before the taking of the next state valuation. Said proportion of said debts and liabilities and said state and county taxes to be ascertained and determined by the last decennial valuation of the town of Reading. And the town of North Reading is hereby authorized and required to assess such proportion of the state and county taxes required to be raised by the town of Reading, determined and ascertained as aforesaid, upon the polls and estates of the inhabitants of said North Reading, and pay the same on demand to the said town of Reading.

Three disinter-
ested persons to
determine the
award to North
Reading for
roads, bridges,
etc.

SECT. 5. The town of Reading, at the first meeting of the inhabitants after the passage of this act, shall choose one disinterested person; and the town of North Reading, at the first meeting of the inhabitants after the passage of this act, another, and these two shall choose a third, as soon as may be, who shall constitute a board to hear both said towns, and determine the sum that shall be awarded to North Reading for the relinquishment of the name of Reading; and to determine the sum that shall be awarded to said North Reading in consideration of its roads and bridges; to make a division of the paupers between said towns, and a just and equitable division of all the property of said town of Reading, except

And to make a
division of
property and
paupers.

the surplus revenue of the United States deposited with said town ; and to adjust all differences arising from the division of said town of Reading ; and the decision of said board, or a majority of it, shall be final and binding on each of said towns. And said board shall have power to divide any real estate or other property, except said surplus revenue, now owned by the town of Reading, between said towns of Reading and North Reading, in such proportions as they shall deem just, having regard to the polls and estates of the inhabitants of said towns ; and said board, or a majority of the members thereof, shall reduce their award concerning the premises to writing, which shall be signed by the members making the same, and shall deliver a duplicate original of the same to the town clerk of each of said towns, for the use of said towns ; and either of said towns may enforce the provisions and requirements of said award, by an action at law or by a bill in equity before any of the courts of this commonwealth competent to try the same. And if either of said towns shall unreasonably neglect or refuse to appoint a disinterested person as a member of said board, as heretofore provided for, then and in that event, the other of said towns, who shall have appointed a member of said board as aforesaid, may apply to the court of common pleas, at any term thereof, holden for the county of Middlesex ; giving to the town so neglecting or refusing, seven days notice of said application, to appoint one member of said board ; and said court shall appoint some disinterested person as a member of said board, who shall have the same power and authority as if he had been appointed by either of said towns in the manner aforesaid.

Decision of said board to be final.

Board to reduce their award to writing.

Either town may enforce provisions, etc.

Court of common pleas to appoint a member of said board in certain cases.

SECT. 6. The town of North Reading shall,—for the purpose of electing a representative to the General Court, to which the territory now comprised in the town of Reading is entitled at the present time, until the next decennial census, or until another apportionment of representatives be made,—remain a part of said town of Reading ; and the inhabitants of said town of North Reading shall vote for a person for representative, at the meetings when by law a representative can be elected, who may be an inhabitant of either of said towns ; and it shall be the duty of the selectmen of North Reading, to preside at such meetings, and receive and count the votes,—and a certificate of said votes shall be made by said selectmen and town clerk of said town of North Reading, and returned to the selectmen of the town of Reading, within forty-eight hours after the day of election, and the votes so returned shall be counted by the selectmen of Reading as a part of the votes of said town of Reading :—and if

Provisions for the choice of representative.

no choice is thus made of representative at the first day of election therefor, then it shall be the duty of the selectmen of both towns, to issue a warrant for another meeting of the inhabitants, for the choice of representative, whenever the selectmen of one of said towns may be required by law to issue such warrant,—and at such second meetings of the inhabitants of North Reading and Reading, the same proceedings are to be had, as to receiving, counting and certifying the votes for representative, as at said first meeting as aforesaid by both said towns.

First meeting,
how called.

SECT. 7. Any justice of the peace for the county of Middlesex is hereby authorized to issue his warrant to any principal inhabitant of the town of North Reading, requiring him to warn the inhabitants of said town, qualified to vote in elections, to meet at the time and place therein appointed, for the purpose of choosing all such town officers, and the transaction of such other business, as towns are by law authorized and required to choose or transact, at their annual meetings, by posting up attested copies of the warrant, in the same manner as town meetings are now called in the town of Reading : and said justice, or said principal inhabitant in his absence, shall preside at said meeting, until a moderator is chosen.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1853.*]

Chap. 72 An Act to cede to the United States of America, Jurisdiction over certain Lands in Tisbury.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jurisdiction of
certain lands in
Tisbury ceded to
United States.

SECT. 1. The consent of this commonwealth is hereby granted to the United States of America, to purchase three several lots of land, (not exceeding one acre in each,) situate at the head of Holmes Hole Harbor, in the town of Tisbury, in the county of Dukes County, and commonwealth of Massachusetts, which have been or may be conveyed by Thomas Bradley, Thomas Barrows, Richard Luce and heirs of Leroy M. Yale, by George Dunham, and by Moses T. Cromwell ; for the purpose of erecting and maintaining a light-house on each of said lots ; the evidence of the said purchase to be entered and recorded in the registry of deeds in said county of Dukes County, and commonwealth aforesaid, and the jurisdiction over each and every of said lots of land is hereby granted and ceded to the United States : *provided, always,* that the cession and consent aforesaid are granted upon the

For the purpose
of erecting
light-houses.

Provided, etc.

express condition, that this commonwealth shall retain a concurrent jurisdiction with the United States, in and over each and every of said lots of land, so far as that all civil and criminal processes as may issue, under the authority of this commonwealth or any officer thereof, may be executed on any part of each and every of said lots of land, or in any building erected thereon, in the same way and manner as though this cession and consent had not been made and granted.

SECT. 2. The property over which jurisdiction is granted by this act, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed, under the authority of this commonwealth, while the said premises shall be used for the purposes intended by this act. *[Approved by the Governor, March 24, 1853.]*

Property not
liable to taxation.

An Act relating to the Stony Brook Railroad Corporation.

Chap. 73

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The third section of "An Act in addition to an Act to establish the Stony Brook Railroad Corporation," is hereby revived, and said corporation may locate and construct the branch railroad mentioned in said act under the same restrictions and with the same privileges as are prescribed in said third section ; and the time of location therein mentioned shall commence from the passage of this act. *[Approved by the Governor, March 24, 1853.]*

Third section of
a former act
revived.

An Act altering the Times and Places of holding certain Probate Courts in the County of Barnstable.

Chap. 74

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Instead of the Probate Court now provided to be held at Harwich, in the county of Barnstable, on the last Monday of October, and at Brewster, in said county, on the Tuesday next following said last Monday of October, annually ; Probate Courts shall hereafter be held in said county as follows :—at Dennis, on the last Monday of October, and at Harwich, on the Tuesday next after the last Monday of October annually. *[Approved by the Governor, March 24, 1853.]*

Times and places
of holding probate
courts changed.

Chap. 75

An Act concerning the Ware River Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for location extended.

SECT. 1. The time for locating and constructing the Ware River Railroad is hereby extended two years from the period fixed in the act of incorporation, passed May 24th, 1851.

May contract with other corporations.

SECT. 2. The said company is hereby authorized to lease its road to any adjoining railroad corporation, or it may take a lease of any adjoining railroad ; may unite and make joint stock with such corporation or corporations and any railroad corporation connecting with the road of this corporation, or in a continuous line indirectly connecting with it ; may guaranty payment of dividends on the whole or any part of the stock of this corporation, upon such terms and conditions as the directors of the contracting companies may agree upon, subject to the approval of three-fourths in interest of the stockholders of this corporation, which may be present at a legal meeting called for that purpose.

New subscription to be opened.

SECT. 3. When this act shall have been accepted by said corporation, a new subscription for the capital stock thereof shall be opened, and the persons holding the stock of said corporation, heretofore subscribed for, shall not be liable for any assessments on the shares of said stock heretofore subscribed for, for any expenses hereafter incurred by said corporation in any manner. [*Approved by the Governor, March 24, 1853.*]

Former stockholders not liable, etc.

Chap. 76

An Act to increase the Capital Stock of the New England Worsted Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital of \$250,000.

SECT. 1. The New England Worsted Company in Framingham are hereby authorized to increase their present capital stock, by an addition thereto, of two hundred and fifty thousand dollars.

SECT. 2. This bill shall take effect from and after its passage. [*Approved by the Governor, March 24, 1853.*]

An Act to incorporate the "Boston Steam Engine Company." *Chap. 77*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Otis Tufts, Samuel Lawrence, Henry N. Hooper, Corporators.
their associates and successors, are hereby made a corporation,
by the name of the Boston Steam Engine Company, for the
purpose of manufacturing steam engines and other machinery, Purpose.
and steam vessels, in the city of Boston and in the town of
Malden, in the county of Middlesex ; and for this purpose
shall have all the powers and privileges, and be subject to all the
duties, restrictions and liabilities, set forth in the thirty-eighth
and forty-fourth chapters of the Revised Statutes.

SECT. 2. The capital stock of said corporation shall not Capital not
exceed one million dollars ; and the said corporation may hold to exceed
real estate not exceeding two hundred thousand dollars. \$1,000,000.

SECT. 3. No shares in the capital stock of said company Shares not to be
shall be issued for a less sum or amount, to be actually paid in issued for less
on each, than the par value of the shares which shall be first than par.
issued.

SECT. 4. This act shall take effect from and after its pas-
sage. [*Approved by the Governor, March 24, 1853.*]

An Act in addition to an Act for the more equal Assessment of Taxes. *Chap. 78*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

For the purposes of taxation, it shall be the duty of all Aqueduct corpo-
aqueduct corporations in this commonwealth, annually, be- rations to make
tween the first and tenth day of May, to make returns to the annual returns.
assessors of every city or town in the commonwealth, in which
any shareholder in such corporation may reside, in the man- In same manner
ner provided for the returns of banks and other corporations, as banks, etc.
by the first section of the ninety-eighth chapter of the statutes
of the year one thousand eight hundred and forty-three, and
the three hundred and eighth chapter of the statutes of the
year one thousand eight hundred and fifty ; which returns
shall also contain a statement, according to the best knowledge
and belief of the officer making such return, of the cash mar- Returns to state
ket value of all shares named in such return ; and any aque- the cash value
duct corporation which shall refuse or neglect to make such of shares.
returns, or shall wilfully falsify the same, shall be liable to the Penalty for
same penalties as are provided in section second, of chapter refusal, etc.
three hundred and eight, of the statutes of the year one thou-

Penalty for fraudulent transfer of shares.

sand eight hundred and fifty ; and any shareholder who shall fraudulently transfer any share in any aqueduct corporation, for the purpose of avoiding taxation, shall be liable to the same penalties as are provided by the third section, of chapter ninety-eight, of the statutes of the year one thousand eight hundred and forty-three. [*Approved by the Governor, March 24, 1853.*]

Chap. 79 An Act in addition to an Act to incorporate the Providence and Bristol Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. The corporation established by the name of the Providence and Bristol Railroad Company shall hereafter be called and known by the name of the Providence, Warren and Bristol Railroad Company.

Capital stock to] consist of 750 shares instead of 2,500 shares.

SECT. 2. The capital stock of said corporation shall consist of seven hundred and fifty shares, of one hundred dollars each, instead of two thousand five hundred shares, of one hundred dollars each ; and all the provisions of the act to which this is in addition shall be applied to the amount of capital stock of said corporation by this act established.

Time extended for location.

SECT. 3. The time within which the said corporation may locate their railroad by the act to which this act is in addition, and the act amending the same, is hereby extended fifteen months from and after the passage of this act. [*Approved by the Governor, March 24, 1853.*]

Chap. 80 An Act to authorize the Boston Bagging Company to increase their Capital and extend their Works to the Town of Malden.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock increased.

SECT. 1. The Boston Bagging Company, a corporation duly established, are hereby authorized to increase their capital stock to an amount not exceeding one hundred and fifty thousand dollars : *provided*, that no shares in said capital stock shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares first issued.

Provided, etc.

May establish a workshop in Malden.

SECT. 2. The said corporation are further authorized to establish a workshop, connected with their business, in the town of Malden, anything in the charter to the contrary notwithstanding.

SECT. 3. This act shall take effect from and after its passage [*Approved by the Governor, March 24, 1853.*]

An Act to incorporate the Lawrence Duck Company.

Chap. 81

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Albert Fearing, Isaac Thacher, David Whiton, Corporators.
their associates and successors, are hereby made a corporation,
by the name of the Lawrence Duck Company, for the purpose Purpose.
of manufacturing cotton duck in the town of Lawrence, in
the county of Essex, with all the powers and privileges, and Powers, duties, etc.
subject to all the duties, restrictions, and liabilities, set forth in
the thirty-eighth and forty-fourth chapters of the Revised
Statutes.

SECT. 2. The said corporation may hold real and personal May hold real estate not to exceed \$300,000.
estate necessary and convenient for the purposes aforesaid, not
exceeding in amount, three hundred thousand dollars.

SECT. 3. No shares in the capital stock of said corporation No shares to be issued under par
shall be issued for a less sum in amount than the par value of
the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its pas-
sage. [*Approved by the Governor, March 24, 1853.*]

An Act to incorporate the Pocumtuck Hotel Company.

Chap. 82

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Luke Wright, Asa Stebbins, Henry Stebbins and Corporators.
Edwin Ware, their associates and successors, are hereby made
a corporation, by the name of the Pocumtuck Hotel Company ;
for the purpose of erecting, in the town of Deerfield, buildings Public house in Deerfield.
necessary and convenient for a public house ; with all the
powers and privileges, and subject to all the duties, liabilities Powers, etc.
and restrictions, set forth in the forty-fourth chapter of the
Revised Statutes.

SECT. 2. The said corporation may hold such real and May hold real and personal estate.
personal estate as may be necessary and convenient for the pur-
pose aforesaid, not exceeding in amount twenty thousand dol-
lars ; *provided*, that no shares in the capital stock of the said No shares issued less than par.
corporation shall be issued for a less amount, to be actually
paid in on each, than the par value of the shares which shall
be first issued.

SECT. 3. If any ardent spirits, or intoxicating drinks of No intoxicating drinks to be sold.
any kind whatever, shall be unlawfully sold by said company,
or by their agents, lessees or persons in their employ, in any
of the said buildings, then this act shall be void. [*Approved
by the Governor, March 24, 1853.*]

Chap. 83

An Act to incorporate the Young Men's Association of Lee.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Alexander Hyde, Z. N. Lewis, Amory Gale, F. Sturgis, their associates and successors, are hereby made a corporation, by the name of the Young Men's Association of Lee, in the county of Berkshire, for the purpose of improving the moral and intellectual condition of the young men of said town, by means of a library, reading room, and lectures, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose, etc.

Capital \$25,000.

SECT. 2. Said corporation may hold real and personal estate, to an amount not exceeding twenty-five thousand dollars. [*Approved by the Governor, March 24, 1853.*]

Chap. 84

An Act to authorize Reuben C. Case to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provincetown.

Reuben C. Case is hereby authorized to build and maintain a wharf from his land, into the harbor of Provincetown, and to extend the same to the depth of nine feet of water at low tide ; and shall have the right to lay vessels at the side and end of said wharf, and receive wharfage and dockage therefor ; *provided*, this act shall not, in any manner, interfere with the legal rights of any person. [*Approved by the Governor, March 24, 1853.*]

Right of
wharfage, etc.
Proviso.

Chap. 85

An Act to authorize Gilbert Smith and others, to build a Wharf at Harwich.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May build wharf
in Harwich, with
usual privileges.

Gilbert Smith, Nathaniel Robbins, Theophilus Burgess and their associates are hereby authorized to build and maintain a pile wharf, from the premises of Theophilus Burgess, at Harwich-port, in the town of Harwich, and to extend said wharf six hundred feet into the sea ; and shall have the right to lay vessels at the sides and end thereof, and receive wharfage and dockage therefor ; *provided*, that the same shall not obstruct the safe anchorage of vessels in the harbor, and shall not impair the legal rights of any person. [*Approved by the Governor, March 24, 1853.*]

Provided, etc.

An Act to change the Name of the Bristol County Coal Mining Company; and for other purposes. *Chap. 86*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Bristol County Coal Mining Company may Name changed. take the name of the Massachusetts Coal and Mining Company.

SECT. 2. The said corporation may extend their mining May extend operations into Foxborough. operations, which they are now authorized to prosecute within the town of Mansfield only, into the town of Foxborough.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1853.*]

An Act to change the Name of the Third Congregational Society in Chelsea. *Chap. 87*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Third Congregational Society in Chelsea, organized Name changed. under the general law passed on the twenty-third day of October, eighteen hundred and forty, shall, from and after the passage of this act, be called and known by the name of the First Unitarian Society in Chelsea. [*Approved by the Governor, March 24, 1853.*]

An Act to establish the Wrentham Branch Railroad.

Chap. 88

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jason H. Archer, Daniel A. Cook, Hiram B. Corporators. Fisher, their associates and successors, are hereby made a corporation, by the name of the Wrentham Branch Railroad Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations; and all other general laws which have been, or shall hereafter be, passed, relative to railroad corporations. Powers, duties, liabilities, etc.

SECT. 2. Said corporation is hereby authorized and empow- Location. ered to locate, construct, and maintain a railroad, with one or more tracks from some convenient point on the Norfolk County Railroad, in Wrentham, to some convenient point near the central village in Wrentham; and to enter with their railroad, May enter upon

and use the
Norfolk County
Railroad.

Capital stock not
to exceed 350
shares at \$100
per share.

May hold
real estate.

To be located in
two, and con-
structed in
three years.

May dispose of
all rights, etc.,
under this act to
Norfolk County
Railroad
Company.

by proper turnouts and switches, upon the Norfolk County Railroad, at the point aforesaid, and to use the same, or any part thereof, according to the provisions of law.

SECT. 3. The capital stock of said corporation shall not exceed three hundred and fifty shares, the number of which shall be determined from time to time by the directors of said corporation, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share, and the said corporation may purchase and hold such real estate as may be necessary for the purposes of their incorporation.

SECT. 4. If the location of this road be not filed within two years, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void.

SECT. 5. Said corporation is hereby authorized to dispose of their franchise, and all their rights under this act, to the Norfolk County Railroad Company, on such terms as shall be agreed upon by said corporations respectively; and if said Wrentham Branch Railroad Corporation shall thus transfer its franchise and rights to the Norfolk County Railroad Company, the said Norfolk County Railroad are hereby authorized to increase their capital stock by the sum of thirty-five thousand dollars.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1852.*]

Chap. 89 An Act to authorize the First Congregational Parish in Abington to sell Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authority to sell
and convey land.

SECT. 1. The First Congregational Parish in Abington is hereby authorized to sell and convey by deed, a piece of parsonage land situated in said town, near the dwelling house of Noah Reed and bounded by the land of said Reed, the land of James Whitmarsh and by the new road,—containing about twelve rods.

Parish committee
to execute and
deliver deed.

SECT. 2. The said parish may, at any legal meeting called for that purpose, choose a committee to make sale of said land, in such way and manner, as shall best promote the interest of said parish;—and the committee thus chosen shall have authority to execute and deliver deeds accordingly.

Process of sale—
how applied.

SECT. 3. The proceeds of the sale of said land shall be applied to the repairing or improvement of the parsonage estate.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1853.*]

An Act for the more speedy Trial of Actions at Law.

Chap. 90

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every action at law, complaint, petition and process, between party and party, which shall have been entered in the Court of Common Pleas, and removed therefrom to the Supreme Judicial Court, by bill of exceptions, appeal upon questions of law, or report, shall, when remanded by that court to the Court of Common Pleas for further proceedings, take the same place in the order of business in said court, and have day therein, with precedence, in the same manner, as if the same action, petition, complaint or process had not been so removed.

Actions, etc., which have been entered in court of common pleas, etc.

Shall, when remanded, etc.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 24, 1853.]

An Act to incorporate the Boston French Institute.

Chap. 91

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Hubbard Winslow, Joseph Hale Abbott of Boston, James Lloyd Oliver of Brookline, Duncan Bradford of Charlestown, Charles Carroll of Cambridge, their associates and successors, are hereby made a corporation, by the name of the Boston French Institute, for the purpose of providing regular lectures, a reading-room, and a library, all in the French language ; to have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes ; with power also to hold real and personal estate to the amount of twenty-five thousand dollars. [Approved by the Governor, March 24, 1853.]

Corporators.

Purpose.

Powers and duties.

Real and personal estate to amount of \$25,000.

An Act to incorporate the American Linen Company.

Chap. 92

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Richard Borden, Jefferson Borden, David Anthony, their associates and successors, are hereby made a corporation, by the name of the American Linen Company, for the purpose of manufacturing linen goods in the town of Fall River, in the county of Bristol ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Powers, duties, etc.

May hold real and personal estate to amount of \$500,000.

Shares not to be issued less than par.

Former act repealed.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount five hundred thousand dollars.

SEC. 3. No shares in the capital stock of said company shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. The fifty-seventh chapter of the acts passed in the year one thousand eight hundred and fifty-two, authorizing the organization of the American Linen Manufacturing Company under the provisions of the one hundred and thirty-third chapter of the acts of the year one thousand eight hundred and fifty-one, entitled "An Act relating to Joint Stock Companies," is hereby repealed; but nothing herein contained shall impair or affect the validity of any sale or conveyance of property which may have been heretofore made to the said American Linen Manufacturing Company.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1853.*]

Chap. 93

An Act concerning Lunatics Furiously Mad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Judge of probate for Suffolk Co. may commit lunatics in certain cases.

At any time, when the Municipal Court, of the city of Boston, is not in session, the judge of probate, in the county of Suffolk may take jurisdiction of lunatics, furiously mad, in either of the towns of Chelsea, North Chelsea, and Winthrop, in the county of Suffolk, and commit any such lunatic to the State Lunatic Hospital, at Worcester, any thing in the sixth section of the forty-eighth chapter of the Revised Statutes, to the contrary notwithstanding: *provided*, that no lunatic from either of said towns shall be committed to said hospital, by said judge of probate, until after the selectmen of the town from which said lunatic is to be removed are notified that they may be heard upon the subject. [*Approved by the Governor, March 24, 1853.*]

Provided, etc.

Chap. 94

An Act to incorporate the Dunnell Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECT. 1. Jacob Dunnell, Nathaniel W. Brown, and Thomas L. Dunnell, their associates and successors, are here-

by made a corporation, by the name of the Dunnell Manufacturing Company, for the purpose of manufacturing, dyeing, bleaching and printing all kinds of textile fabrics, in the town of Pawtucket, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties, etc.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in value the sum of five hundred thousand dollars.

May hold real and personal estate to amount of \$500,000.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum in amount, than the par value of the shares which shall be first issued. [Approved by the Governor, March 24, 1853.]

No shares to be issued under par.

An Act in addition to an Act entitled "An Act concerning Alewives in Herring River, in the Town of Sandwich." *Chap. 95*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If any person or persons shall take any of the fish, named in said act, in said Herring River, or the ponds in which said fish cast their spawn, at any time or in any place or manner, other than shall be allowed by the selectmen of said town of Sandwich, each person so offending shall, for each and every such offence, on conviction thereof, before any justice of the peace, in the county of Barnstable, pay a fine not exceeding twenty dollars and not less than one dollar, or shall be imprisoned in the county jail of said county, for a time not exceeding sixty days, at the discretion of the justice before whom the trial may be had. [Approved by the Governor, March 26, 1853.]

Liable to fine or imprisonment for fishing otherwise than as allowed by selectmen.

An Act to incorporate the Young Men's Library Association of Worcester. *Chap. 96*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Francis H. Dewey, George W. Bentley, George F. Hoar, Nathaniel Paine, Henry Woodward, their associates and successors, are hereby made a corporation, by the name of the Young Men's Library Association, of Worcester, for the purpose of diffusing and promoting knowledge among the inhabitants of the city of Worcester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities.

Corporators.

Purpose.

Powers, duties, etc.

ities, set forth in the forty-fourth chapter of the Revised Statutes.

May hold real and personal estate not exceeding \$50,000.

SECT. 2. The said corporation may hold real and personal estate, for the purposes aforesaid, not exceeding in all, the value of fifty thousand dollars, the legal title of which shall be in five trustees, to be chosen by the corporation.

All investments of funds to be made by trustees.

SECT. 3. All investments of the funds of the corporation, in real estate, or other securities at interest, shall be made by the said trustees, and shall be subject to their control and disposition; but no sale or transfer of the Library shall be made except by the authority of a vote of the corporation.

Transfer of library to be by a vote of the corporation.

Board of directors to have management.

SECT. 4. The disposition of the income, and the general affairs of the corporation, shall be subject to the care and management of the board of directors.

Persons eligible.

SECT. 5. All male inhabitants of Worcester, above the age of fourteen years, shall be eligible as members of the corporation, and entitled to vote, and to act as officers thereof, excepting that no person under twenty-one years of age shall be a trustee.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1853.*]

Chap. 97

An Act relating to the Patucket Canal.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Part of former act repealed.

So much of an act, entitled “An Act to regulate the Toll on Patucket Canal,” passed in the year one thousand eight hundred and thirty-five, as provides for the construction and maintenance of a tow path from the Suffolk or Western Canal to the head of the Patucket Canal, is hereby repealed. [*Approved by the Governor, March 26, 1853.*]

Chap. 98

An Act to incorporate the Pemberton Mill.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. J. Pickering Putnam, John Amory Lowell, and Homer Bartlett, and their associates and successors, are hereby made a corporation, by the name of the Pemberton Mill, for the purpose of manufacturing cotton, woolen, linen, and silk cloth and yarn, in the town of Lawrence, in the county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties, etc.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of two hundred and fifty thousand dollars; and the whole capital stock of said corporation shall not exceed five hundred thousand dollars; and no shares of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. *[Approved by the Governor, March 26, 1853.]*

May hold real estate to amount of \$250,000, and whole capital not to exceed \$500,000.

No shares issued for less than par value.

An Act to authorize Ziba Eldridge and others to build a Wharf.

Chap. 99

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Ziba Eldridge and his associates are hereby authorized to build and maintain a wharf, from the land of said Ziba Eldridge, adjoining the harbor of Pleasant Bay, in the town of Orleans, and to extend the same to eight feet of water at low tide; and to lay vessels at the end and sides of said wharf; and to receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal right of any person. *[Approved by the Governor, March 29, 1853.]*

Wharf in Orleans.

Right of wharfage, etc.

Provided.

An Act authorizing the Mattapan Iron Works to establish a Work-Shop in the Town of Malden.

Chap. 100

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Mattapan Iron Works, a corporation organized under the one hundred and thirty-third chapter of the acts of the year one thousand eight hundred and fifty-one, entitled "An Act relating to Joint Stock Companies," are hereby authorized to establish a work-shop in the town of Malden, for purposes connected with their business; anything in said act, or in the action of said corporation under it, to the contrary notwithstanding.

May establish a work-shop in Malden.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 29, 1853.]*

An Act to authorize Timothy P. Johnson and Samuel S. Smith to build a Wharf.

Chap. 101

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Timothy P. Johnson and Samuel S. Smith are hereby authorized to build and maintain a wharf from their land adjoining

Wharf in Provincetown.

Right of
wharfage, etc.
Provided.

ing the harbor of Provincetown, and to extend the same to six feet of water at low tide, and to lay vessels at said wharf, and receive dockage and wharfage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person. [Approved by the Governor, March 29, 1853.]

Chap. 102

An Act to establish a Fire Department in the Town of Grafton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fire department
in Grafton.

Duties, powers,
etc.

SECT. 1. A Fire Department is hereby established in the town of Grafton, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act, entitled, "An Act to regulate Fire Departments," passed on the ninth day of April, one thousand eight hundred and thirty-nine.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 29 1853.]

Chap. 103

An Act to incorporate the Boston Bolt and Machine Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Purpose.

Powers, duties,
etc.

May hold real
estate not to
exceed \$100,000.

No shares to be
issued under par.

SECT. 1. S. R. M. Holbrook, N. A. Barrett, J. P. Bradlee, their associates and successors, are hereby made a corporation, by the name of the Boston Bolt and Machine Company, for the purpose of manufacturing bolts and machinery, at East Cambridge, in the city of Cambridge, in the county of Middlesex ; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. The said corporation, may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount, one hundred thousand dollars.

SECT. 3. No shares in the capital stock of said corporation, shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, March 29, 1853.]

An Act to incorporate the Worcester Insurance Company.

Chap. 104

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles Washburn, Francis H. Dewey, and William M. Bickford, their associates and successors, are hereby made a corporation, by the name of the Worcester Insurance Company, in the city of Worcester, for the term of twenty years from the passage of this act ; for the purpose of making insurance against maritime losses, and against losses by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other general laws which are now or may hereafter be in force applicable to stock insurance companies.

Corporators.

Twenty years.

Purpose.

Powers, duties, etc.

SECT. 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each ; with liberty to pay in and increase the same to any amount not exceeding two hundred thousand dollars ; and may hold real estate for its use, not exceeding twenty thousand dollars.

Capital \$100,000 in shares of \$100 each with liberty to increase.

Real estate not to exceed \$20,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 29, 1853.*]

An Act to authorize N. J. Knight and others to drive Piles in Pamet Harbor, in Truro.

Chap. 105

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

N. J. Knight, B. A. Baker and Amasa Paine, are hereby authorized, under the direction and with the consent of the selectmen of the town of Truro, for the time being, to drive piles in Pamet Harbor, in said town, for the purpose of improving said harbor : *provided*, this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 29, 1853.*]

May drive piles with consent, etc.

Proviso.

An Act to change the Corporate Name of the Proprietors of the Westerly Meeting-house in Scituate.

Chap. 106

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The proprietors of the Westerly Meeting-house in Scituate, incorporated the twenty-eighth day of February, in the year

Name changed.

one thousand eight hundred and twenty-eight, shall, from and after the passing of this act, be called and known by the name of the Proprietors of the First Universalist Meeting-house in South Scituate. [*Approved by the Governor, March 29, 1853.*]

Chap. 107 An Act in addition to an Act incorporating the Boston Theatre.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May increase
capital stock.

The Boston Theatre, incorporated May twentieth, in the year eighteen hundred and fifty-two, is hereby authorized to pay in, and increase their capital stock, by an amount not exceeding one hundred thousand dollars: *provided*, that no shares in such capital stock shall be issued for a less sum, or amount to be paid in on each, than the par value of the shares that shall be first issued. [*Approved by the Governor, March 29, 1853.*]

Provided, etc.

Chap. 108 An Act in addition to an Act to incorporate the Beverly Insurance Company

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May take
maritime risks.

The Beverly Insurance Company, incorporated by an act passed on the thirtieth day of March, in the year one thousand eight hundred and fifty-two, is hereby authorized to make insurance on vessels, their furniture and tackle, against losses by fire: *provided* the capital stock of the said company shall first be increased and paid in, to the amount of fifty thousand dollars. [*Approved by the Governor, March 29, 1853.*]

Provided.

Chap. 109 An Act to incorporate the Hampden Mills.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Patrick T. Jackson, C. W. Blanchard, C. W. Loring, F. C. Loring, their associates and successors, are hereby made a corporation, by the name of the Hampden Mills, for the purpose of manufacturing cotton, woolen, silk and linen goods, or any of them, in the town of Holyoke, in the county of Hampden, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Duties,
restrictions, etc.

SECT. 2. The said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount three hundred thousand dollars. Real and personal estate not to exceed \$300,000.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum in amount, than the par value of the shares which shall first be issued. No shares to be issued less than par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor March 29, 1853.*]

An Act to authorize the First Religious Society in Carlisle to sell Real Estate. *Chap. 110*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The First Religious Society in Carlisle is hereby authorized to sell and convey by deed, a tract of woodland, consisting of about seventeen acres, situated near the centre of said Carlisle, called and known by the name of the ministerial lot. May sell real estate.

SECT. 2. Said society may, by a committee appointed for that purpose, make sale of said woodland in such way and manner, as may best promote the interest of said society ; and said committee shall have power to execute and deliver deeds accordingly. Committee shall execute and deliver deeds.

SECT. 3. The proceeds of the sale of said woodland shall be invested in a permanent fund, or in real estate, as the said society shall direct ; and the income arising therefrom, shall be appropriated to the support of the ministry in said society. Proceeds to be invested, etc.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 29, 1853.*]

An Act to change the Corporate Name of the First Universalist Society in Scituate *Chap. 111*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The first Universalist Society in Scituate, incorporated the seventeenth day of June, in the year one thousand eight hundred and twelve, shall hereafter be known and called by the name of the First Universalist Society of South Scituate. Name changed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 29, 1853.*]

Chap. 112 An Act to incorporate the Fairhaven Granite Wharf Marine Railway.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. James Tripp 2nd, Lemuel C. Tripp, Henry H. Taber, their associates and successors, are hereby made a corporation, by the name of the Granite Wharf Marine Railway, for the purpose of constructing and maintaining a railway suitable for repairing vessels, at Fairhaven, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Marine railway in Fairhaven.

Duties, liabilities, etc.

Real and personal estate not to exceed \$7,000.

SECT. 2. The said corporation may hold real and personal estate necessary for the purpose aforesaid, not exceeding in amount, seven thousand dollars, in such sums as may be convenient.

No share less than par.

SECT. 3. No shares in said corporation shall be issued for a less sum or amount to be actually paid in on each, than the par value thereof when first issued.

Shall not impair legal rights.

SECT. 4. This act shall in no wise impair the legal rights of any person. [*Approved by the Governor, March 29, 1853.*]

Chap. 113 An Act in addition to an Act to incorporate the Proprietors of Merrimack Bridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Buoys to be placed and maintained.

SECT. 1. For the more convenient passage of vessels through the draw or passage-way of the Merrimack Bridge, over the Merrimack River, between the towns of Haverhill and West Newbury, authorized by an act to which this is an addition, the proprietors of said bridge shall cause to be placed, at a suitable distance above and below said draw, a buoy, and shall maintain the same, so long as the bridge shall be maintained; said buoys to be in the direction of the current and in a line with the middle of the draw, and to be of such size that a large portion of each shall at all times be above the water; each buoy to be provided with one or more good and sufficient rings, properly secured, for the purpose of fastening vessels thereto, and to be moored with a chain to a rock or rocks, of at least four tons weight.

Size of buoy.

How secured.

Part of former act repealed.

SECT. 2. So much of the act, passed April fourth, one thousand eight hundred and forty-nine, as requires floating

spars to be placed and maintained above and below said draw, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 29, 1853.*]

An Act to incorporate the Town of Nahant.

Chap. 114

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That portion of the city of Lynn lying southerly of a line commencing upon the Long Beach leading to Nahant at the sign-post which gives the length of said beach, thence running westerly in a straight line at right angles with the course of said beach southerly from said sign-post, to low water mark, and running easterly from said sign-post in a straight line at right angles with the course of said beach as aforesaid to low water mark, is hereby incorporated into a town by the name of Nahant ; and the inhabitants of said town of Nahant are hereby invested with all the powers and privileges, and shall be subjected to the duties and requisitions of other incorporated towns, according to the constitution and laws of the commonwealth.

Line of separation from Lynn.

SECT. 2. The inhabitants of said town of Nahant shall be holden to pay all arrears of taxes which have been assessed upon them by the city of Lynn, before the passing of this act, and also their proportion of all county and state taxes that may be assessed upon said city previously to the taking of the next state valuation, said proportion to be ascertained and determined by the last valuation of said city of Lynn, exclusive of the valuation upon that portion of territory which now comprises the town of Swampscot ; and said town of Nahant shall be holden to pay their proportion of the debts due and owing at the time of the passage of this act from the city of Lynn, and be entitled to receive of the city of Lynn their proportion of all the corporate property now owned by said city of Lynn, such proportion to be ascertained and determined by the last valuation of said city of Lynn, exclusive of the valuation of Swampscot as aforesaid.

To pay taxes specified.

Pay their proportion of debts and receive proportion of property.

SECT. 3. Said city of Lynn and town of Nahant shall be respectively liable for the support of all persons who now do or hereafter shall stand in need of relief as paupers, whose settlement was gained or derived from a settlement gained or derived within their respective limits.

Paupers, how supported.

SECT. 4. In case said city of Lynn and town of Nahant shall disagree in respect to a division of paupers, city property, city debts, or state and county taxes, the court of common

If Lynn and Nahant disagree, the court of common pleas may appoint three persons.

pleas for the county of Essex are hereby authorized to, and shall, on application of said city of Lynn, or of said town of Nahant, appoint three disinterested persons to hear the parties and award thereon; which award, when accepted by said court, shall be final.

Nahant to vote
with Lynn for
representatives.

SECT. 5. The town of Nahant shall, for the purpose of electing representatives to the general court to which the territory comprised in the city of Lynn is now entitled, until another apportionment of representatives be made, remain a part of the said city of Lynn. And the inhabitants of said Nahant shall vote for the number of representatives which the city authorities of Lynn may decide shall be elected annually in town meeting. And it shall be the duty of the selectmen of said Nahant to preside at said town-meeting, and receive the votes; and the certificate thereof shall be made by the selectmen and certified by the town clerk of said Nahant, whose duty it shall be to make return thereof to the mayor and aldermen of the said city of Lynn, within forty-eight hours of the day of voting; and the votes so returned shall be counted by the said mayor and aldermen as a part of the vote of the said city of Lynn.

First meeting.
how called.

SECT. 6. Any justice of the peace in the county of Essex is hereby authorized to issue his warrant to any principal inhabitant of the town of Nahant, requiring him to warn the inhabitants of the town of Nahant to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 29, 1853.*]

Chap. 115 An Act to confirm certain Acts done by Freeman Walker as Justice of the Peace.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain acts con-
firmed and made
valid.

SECT. 1. All acts done by Freeman Walker of North Brookfield, in the county of Worcester, as a justice of the peace within and for said county of Worcester,—between the twenty-sixth day of August, in the year eighteen hundred and fifty-two, and the first day of March eighteen hundred and fifty-three,—be and they hereby are made valid and confirmed, to the same extent as they would have been, had he been during that interval duly commissioned and qualified to discharge the duties of the said office.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 29, 1853.*]

An Act in addition to the several Acts for the Relief of Insolvent Debtors, and the more Equal Distribution of their Effects. *Chap. 116*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In any case pending under the acts to which this is in addition, whenever any creditor who shall have proved his claim shall so request in writing, filed with the commissioner before whom the proceedings shall be,—such commissioner shall require an assignee to give good and sufficient bond for the faithful performance and discharge of his duty, to be approved by such commissioner, and filed, and to enure for the purposes, and to be enforced, as already provided in respect to bonds to such commissioners, in the eleventh section of the one hundred and seventy-eighth chapter of the acts of the year eighteen hundred and forty-four. And if such assignee shall fail to give such bonds, within such time as the commissioner shall order, not exceeding ten days after notice to him from such commissioner of such requirement, it shall be the duty of such commissioner to remove such assignee, and to appoint another in his place, who shall have all the like powers of an assignee of the estate, as the person so removed might have had, had he continued assignee. *[Approved by the Governor, April 1, 1853.]*

Assignee required to give bond.

And in case of failure to be removed.

An Act concerning the Walpole Reservoir Company.

Chap. 117

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Walpole Reservoir Company are hereby authorized to increase their capital stock, by the additional sum of eight thousand dollars ; the whole capital stock of said company not to exceed twenty thousand dollars.

May increase capital stock \$8000, the whole not to exceed \$20000.

SECT. 2. An act in addition to an act to incorporate the Walpole Reservoir Company, passed on the twentieth day of April in the year one thousand eight hundred and forty-seven, is hereby repealed.

Former act repealed.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 1, 1853.]*

An Act to incorporate the Waltham Gas Light Company.

Chap. 118

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Reuben P. Davis, Jonas H. Priest, Horatio Adams, and Ebenr. Hobbs, their associates and successors, are

Corporators.

Powers, etc.

hereby made a corporation, by the name of the Waltham Gas Light Company for the purpose of manufacturing and selling gas in the town of Waltham, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$100,000.

Whole capital not to exceed \$150,000.

May open ground, lay pipes, etc.

SECT. 2. Said corporation may for the purpose aforesaid hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed one hundred and fifty thousand dollars.

Shall put the same in repair. Provided.

SECT. 3. Said corporation with the consent of the selectmen of the town of Waltham shall have the power and authority to open the ground in any part of the streets, lanes and highways in said town for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid. And the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again into repair under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being shall at all times have the power to regulate, restrict, and control the acts and doings of the said corporation which may in any manner affect the health, safety, or convenience of the inhabitants of said town.

No shares issued less than par.

SECT. 4. No shares in the capital stock of the said corporation shall be issued for a less sum or amount to be actually paid in on each share than the par value of the shares which shall first be issued. [*Approved by the Governor, April 1, 1853.*]

Chap. 119

An Act to establish the Pay of Watchmen of the State House.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salary of watchmen and assistants established.

SECT. 1. The watchmen of the State House shall receive an annual salary of eight hundred dollars, and the two assistant watchmen, an annual salary of seven hundred dollars each, and the said salaries shall be paid in quarterly payments out of the treasury of the commonwealth, on the first days of January, April, July and October, in every year, and in the same proportions for any part of a quarter.

Shall take effect.

SECT. 2. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and fifty-three. [*Approved by the Governor, April 1, 1853.*]

An Act in relation to the North River Bridge Company.

Chap. 120

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The North River Bridge Company is hereby authorized to take the name of, and shall hereafter be known as, the Little's Bridge Corporation. Name changed.

SECT. 2. The said corporation shall have power at any time hereafter, to reduce the rates of toll heretofore established, so far as they may deem expedient, and continue said tolls so reduced as long as they shall deem expedient. The said corporation may also regulate by agreement with individuals, the rates of tolls for passing their bridge, during the period of one year, or for a shorter time: *provided*, that the rates of toll so agreed on, shall not exceed those heretofore established by law. May reduce rates of toll.
Corporation may make special agreements.
Provided.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 1, 1853.]*

An Act for widening the Draws in certain Bridges over Mystic River. *Chap. 121*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The passage-way for vessels through each of the bridges of the several corporations hereinafter named, crossing the Mystic River below the town of Medford, is hereby required to be increased to a clear width of not less than forty-six feet, and suitable draws therein, leaving, when open, a clear passage-way of the width aforesaid, for all vessels having occasion to pass the same, and convenient also, when closed, for the passing of the public travel, shall be made and completed on or before the first day of October, eighteen hundred and fifty-three; the said draws to be constructed and finished upon the terms and conditions hereinafter prescribed, but in such form and mode of construction as shall be approved by three commissioners, to be for that purpose appointed by the governor and council: the compensation of said commissioners to be apportioned by them as they shall think equitable, and to be estimated as part of the expense of constructing said draws. Certain draws to be widened to 46 feet before Oct., 1853.
To be approved by commissioners.

SECT. 2. The Salem Turnpike and Chelsea Bridge Corporation, incorporated by an act passed March the sixth, one thousand eight hundred and two, shall make, within the time aforesaid, and shall maintain in good repair, in lieu of the pre- Salem turnpike and Chelsea bridge corporation shall make new draw.

sent draw, in that part of Chelsea Bridge which crosses the main channel of said river nearest to the Chelsea shore, a new draw, allowing such width of passage for vessels as aforesaid, and of such form and construction as said commissioners shall determine, together with such piers as said commissioners shall judge to be necessary to facilitate the safe passage of vessels through said draw ; and the said corporation shall be bound to perform like duties respecting the opening of said draw, and the accommodation of vessels passing through the same as are now required in respect to the several existing draws in said bridge by the said act of incorporation, or any act additional thereto ; and to indemnify the said corporation for all losses and expenses incurred by the alterations and improvements aforesaid not required by their act of incorporation, or any act additional thereto ; the term limited in said act of incorporation for the taking of tolls on said bridge, is hereby extended to such further term as shall be found to be a complete indemnity to the said corporation in the manner hereinafter provided. It shall be the duty of the said commissioners, after the alterations and improvements aforesaid shall have been completed and approved, to audit the accounts of the corporation relative thereto, and to ascertain the costs thereof, and all expenses incident thereto, and the losses from interruption of the travel, or otherwise, occasioned by the making of the same, and the increased annual expense, if any, for tending and keeping in good repair such newly-constructed draw, and to determine, after hearing the corporation thereon, what additional term for the taking of the tolls on said bridge, beyond the term limited in said act of incorporation, will suffice to indemnify said corporation for all losses and expenses incurred in making and maintaining said alterations and improvements, with interest thereon at the rate of six per cent. per annum, payable semi-annually, from the time when the same were incurred to the time of their being reimbursed, and to report their award in the premises to the governor and council ; and when the said award shall have been accepted and approved by the governor and council, the additional term thereby awarded for the taking of tolls on said bridge shall be deemed and taken to be an additional franchise of the said corporation.

Term for taking
tolls extended.

Commissioners
to audit accounts
and make report.

Proprietors of
Malden bridge to
make new draw.

SECT. 3. The proprietors of Malden Bridge, incorporated by an act passed March the first, one thousand seven hundred and eighty-seven, and now subject to the provisions of the additional act, passed April the nineteenth, one thousand eight hundred and thirty-seven, and accepted by said corporation, shall make within the time aforesaid, and shall maintain in

good repair, in lieu of the existing draw in said bridge, a draw, not less than forty-six feet in width, and of such form and construction as the commissioners aforesaid shall determine to be safe and convenient; and all the duties the said corporation is now required by law to perform respecting the existing draw, shall be deemed and taken to apply to such newly constructed draw; and the commissioners appointed under the said act, passed April the nineteenth, one thousand eight hundred and thirty-seven, shall make such provision as they shall deem expedient for advancing to the said corporation the requisite funds to defray the expense of the alterations and improvements aforesaid, to be reimbursed out of the tolls to be received at said bridge, whenever and for such length of time as may be necessary, after the said bridge, under the provisions of said additional act, shall have reverted to and become the property of the commonwealth, and without detriment to the private interests of the proprietors of said bridge under said act. But if the said proprietors of Malden Bridge shall refuse or neglect to make the said alteration upon the terms aforesaid, by the expiration of the time hereinbefore limited therefor, the commissioners appointed under this act shall make the same, with all convenient despatch, and all the duties the said corporation is now required by law to perform respecting the existing draw, shall be deemed and taken to apply to such newly constructed draw; and all damages thereby sustained by said corporation, shall be ascertained in the same manner as is now provided by law in respect to highways, and shall be paid by said commissioners to said corporation, and said commissioners shall make such provision for the payment thereof and for defraying the expense of such alteration as they shall deem expedient, the amount thereof to be reimbursed out of the tolls to be received at said bridge, as aforesaid.

Expenses to be reimbursed out of tolls.

If the proprietors refuse, commissioners to make the same.

SECT. 4. The Boston and Maine Railroad Corporation shall make within the time aforesaid, and shall maintain in good repair, in lieu of the existing draw in the bridge of said railroad, crossing the channel of said river, a draw, not less than forty-six feet in width, and of such form and construction as the commissioners appointed under this act shall judge to be safe and convenient, together with such piers as said commissioners shall determine to be necessary to facilitate the passage of vessels through said draw, without unnecessary interruption to the public travel on said railroad; and all the duties now imposed by law upon said corporation with respect to the existing draw in said bridge shall be held to apply to such newly constructed draw; and the said corporation shall on or before

Boston and Maine railroad corporation shall make a draw not less than 46 feet wide.

Obstructions to
be removed.

the first day of October, eighteen hundred and fifty-three, remove all such obstructions in the channel of said river, as said commissioners shall judge to have been caused by the erection and maintenance of said railroad, and the expense of said alterations and improvements shall be defrayed by the said railroad corporation.

Corporations
(excepting
Malden bridge)
failing to make
draws within
said time, shall
be deemed as
nuisances.

SECT. 5. On or before the first day of October, one thousand eight hundred and fifty-three, within which time the alterations and improvements herein required to be made, are to be completed, if either of the draws herein required to be made shall not have been made and completed as aforesaid by the corporation required to make the same, the bridge of the corporations guilty of such neglect, except said Malden Bridge, shall thereafter be deemed and taken to be a public nuisance and may be abated as such by any person interested in ship building above said bridges, in the same manner in which any other obstruction or nuisance in navigable waters may be abated or removed.

Obligations
respecting exist-
ing draws not
impaired by this
act until, etc.

SECT. 6. Nothing in this act contained shall be construed to alter or impair any obligation of the corporations herein named with respect to the existing draws in the bridges aforesaid, until the draws herein provided to be made shall be completed, nor to alter or impair their obligations for the maintenance of suitable draws under their respective charters and the acts in addition thereto, but all such obligations shall remain in full force and apply to the maintenance and care of the draws hereby required to be made by the said corporations respectively, in like manner as if the same had been provided for in their respective charters, nor in any way to affect the resolve approved May twenty-fourth, one thousand eight hundred and fifty-one, concerning the draw in the bridge of the Grand Junction Railroad and Depot Company across said river. [*Approved by the Governor, April 1, 1853.*]

Chap. 122 An Act to provide for the Taxation of certain Real Estate belonging to the Commonwealth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain real
estate liable
to taxation.

SECT. 1. Any real estate of which the commonwealth may be in possession, under a mortgage for a breach of any of the conditions therein named, shall be liable to taxation in the city or town where situated: anything in the fifth section of the seventh chapter of the Revised Statutes to the contrary notwithstanding.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 1, 1853.*]

An Act to incorporate the Maverick Woolens Company.

Chap. 123

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. I. Wiley Edmands, Gardner Colby and W. T. Eustis, their associates and successors, are hereby made a corporation, by the name of the Maverick Woolens Company ; for the purpose of manufacturing goods in the town of Dedham, county of Norfolk ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

To manufacture goods in Dedham.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purpose aforesaid, not exceeding in amount four hundred thousand dollars, and no shares in the capital stock of the said corporation shall be issued for a less sum or amount to be actually paid in on each share, than the par value of the shares which shall be first issued. [Approved by the Governor, April 1, 1853.]

Real estate not exceed \$400,000.

No shares issued for less than par.

An Act to incorporate the Leominster Reservoir Company.

Chap. 124

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James H. Carter, Isaac Cowdry, Josiah C. Lane, their associates and successors, are hereby made a corporation, by the name of the Leominster Reservoir Company ; for the purpose of constructing, supporting and occupying a reservoir of water by the means of dams, in the towns of Leominster and Fitchburg, in the county of Worcester, for the supply of mills situated on the stream below said reservoir ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

May construct a reservoir in Leominster and Fitchburg.

Purpose.

Powers and privileges.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of ten thousand dollars.

Real estate \$10,000.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, April 1, 1853.]

No shares issued for less than par.

Chap. 125 An Act defining the Division Line between the Towns of Rochester and Marion.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Division line defined.

SECT. 1. The division line between the towns of Rochester and Marion, shall be as follows : Beginning in the west line of the town of Wareham at a point south twenty-five and one-quarter degrees east from the north-easterly corner of the homestead of Richard Gurney ; thence running north twenty-five and one-quarter degrees west in said Gurney's line, about forty-five rods to the northerly corner of the homestead of said Gurney ; thence running south forty-eight degrees west in line of said Gurney's homestead, one hundred and seventy rods and twelve feet to the westerly corner thereof near Mary's Pond ; thence running south fourteen and one-half degrees west, about one hundred and fifty-six rods to the north-east corner of the homestead of Jonathan Perry ; thence running south eighteen and one-half degrees east about fifty-eight rods to a point north sixty-two degrees east, one hundred and fifty-one rods and eight feet from the north-west corner of the wood-lot of Amos Hadley ; thence south sixty-two degrees west to said north-west corner of the wood-lot of said Hadley ; thence south twelve and one-half degrees west in line of said wood-lot one hundred and eighty-six rods to the south-west corner thereof ; thence running south twenty-eight and one-half degrees east, fifty-nine rods and nine feet to the place where Doggett's Brook unites with Sippican River ; thence running up the thread of said Doggett's Brook about one-half of a mile, opposite to a monument standing at the south-east corner of the Parlow Bridge, so called : thence running south sixteen and one-half degrees west, nine hundred and three rods and twelve feet to Mattapoisett Precinct line, so called : thence south thirty-five and one-half degrees east in said Precinct line three hundred and ninety-three rods to a point west from the south-west corner of the wood-lot of Noah E. Handy : thence running east three hundred and eighty-one rods and five feet to Ancoot Cove : thence running south-east to Buzzard's Bay.

Inconsistent acts repealed.

SECT. 2. All parts of the first section of the two hundred and twenty-fifth chapter of the acts of eighteen hundred and fifty-two, being "An Act to incorporate the Town of Marion," which are inconsistent with the provisions of this act, are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1853.*]

An Act to incorporate the Shawmut Mutual Fire Insurance Company. *Chap. 126*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Clement Willis, S. P. Taylor, George O. Brastow, their Corporators.
 associates and successors, are hereby made a corporation, by
 the name of the Shawmut Mutual Fire Insurance Company,
 in the city of Boston, for the term of twenty-eight years ; for Term of 28 years.
 the purpose of insuring dwelling-houses and other buildings, Purpose.
 and personal property against loss by fire ; with all the powers
 and privileges, and subject to all the duties, liabilities, and Duties, liabilities, etc.
 restrictions, set forth in the thirty-seventh and forty-fourth
 chapters of the Revised Statutes, and in all subsequent acts
 relating to mutual fire insurance companies. [*Approved by the*
Governor, April 8, 1853.]

An Act in relation to Agricultural Societies.

Chap. 127

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The returns now required by law to be made by Returns, when to be made.
 the several agricultural societies on or before the tenth day of
 January, shall hereafter be made on or before the tenth day of
 December in each year.

SECT. 2. The Board of Agriculture is hereby authorized Blanks to be furnished. etc.
 to regulate the returns required of the different agricultural
 societies, prescribe forms, and furnish to the secretary of each
 society such blanks as said board may deem necessary to secure
 uniform and reliable statistics.

SECT. 3. No agricultural society shall be entitled to receive Not entitled to bounty unless, etc.
 any portion of the bounty of the state, unless it has complied
 fully with the regulations established by the Board of Agri-
 culture, and made all the returns required by law. [*Approv-*
ed by the Governor, April 8, 1853.]

An Act to incorporate the Plymouth Gas Light Company.

Chap. 128

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Isaac L. Hedge, John J. Russell, Thomas Hedge, Corporators
 I. N. Stoddard, their associates and successors, are hereby
 made a corporation, by the name of the Plymouth Gas Light
 Company, for the purpose of manufacturing and selling gas in To make and sell gas.
 the town of Plymouth, with all the powers and privileges, and

Duties, liabilities,
etc.

subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

May open the
pipes, etc.

SECT. 2. Said corporation, with the consent of the selectmen of said town, for the time being, shall have power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same in repair again, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen shall at all times have power to regulate, restrict and control all acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of said town.

Shall repair
the same.
Provided.

Real estate
\$50,000.
Capital stock
\$100,000.

SECT. 3. Said corporation may take and hold real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars ; and no shares of the capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

No shares issued
for less than
par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1853.*]

Chap. 129

An Act to establish a Fire Department in the Town of Quincy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Duties, liabilities,
etc.

A fire department is hereby established in the town of Quincy, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled “ An Act to regulate Fire Departments,” passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, April 8, 1853.*]

Chap. 130

An Act authorizing the Sale of Public Lands in Rehoboth and Seekonk.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Said towns may
sell public lands
belonging to
both.

SECT. 1. The towns of Rehoboth and Seekonk, are hereby authorized jointly to sell and convey, for such sums and in such manner as they may deem proper, all the public lands in said towns belonging to them jointly.

SECT. 2. All proceeds of said sales, or the income arising therefrom, shall be appropriated to the support of public schools in said towns respectively. Public schools shall be supported by proceeds.

SECT. 3. It shall be lawful for said towns, before said sales, to appropriate any part of said lands for a cemetery, upon such terms and conditions, and for such sums of money as may be agreed upon, or according to law and equity. Land may be appropriated for a cemetery before said sales.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1853.*]

An Act to incorporate the Gerrish Market.

Chap. 131

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. George W. Gerrish, Charles L. Hancock, George Meacham, Robert Farley, their associates and successors, are hereby made a corporation, by the name of the Gerrish Market, for the purpose of owning and managing a market for the sale and storage of country produce, and other merchandise, now located in Sudbury street, between Portland and Friend streets, in the northerly section of the city of Boston, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that nothing contained in this act shall be construed to authorize said corporation to engage in buying or selling produce or merchandise of any description. Corporators.

SECT. 2. Said corporation may hold real and personal estate for the purpose aforesaid, not exceeding in amount three hundred thousand dollars: *provided*, that no shares in the capital stock of said corporation, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. To own and manage a market in Boston.

SECT. 3. The city of Boston may, by its city council, or by any person or body to whom said council shall delegate its power, make and enforce suitable and proper police regulations, in and around said market and its appurtenances. Estate not to exceed \$300,000.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1853.*]

Chap. 132 An Act to change the Name of the Boston House Company, and for other purposes.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed. SECT. 1. The Boston House Company shall hereafter be called and known by the name of the Proprietors of Barristers' Hall in Court Square.

Repeal of former act. SECT. 2. So much of the act incorporating the Boston House Company as relates to a public house, and the third section of said act, are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1853.*]

Chap. 133 An Act to authorize Nelson Scudder and Daniel Scudder to extend their Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Barnstable. Nelson Scudder and Daniel Scudder are hereby authorized to extend and maintain the wharf now owned by them and adjoining their land in Barnstable, seventy feet into the harbor ; and shall have the right to lay vessels at the sides and end of said wharf, and receive wharfage and dockage therefor :
Right of wharfage. *provided*, this act shall in no wise impair the legal rights of
Provided, etc. any person. [*Approved by the Governor, April 8, 1853.*]

Chap. 134 An Act in addition to "An Act to incorporate the Vermont and Massachusetts Railroad Company."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location confirmed. SECT. 1. The location of the railroad of the Vermont and Massachusetts Railroad Company, and the said railroad, as the same is actually laid out and constructed, in the counties of Worcester and Franklin, are hereby ratified and confirmed.

Corporation authorized to file new location, etc. SECT. 2. In order to correct any informality or insufficiency in the locations of said railroad heretofore filed, the said corporation is hereby authorized, at any time within one year from the passage of this act, to file with the county commissioners of said counties of Worcester and Franklin respectively, new locations of said road, defining the courses and distances and boundaries of such portions thereof, as lie within the said counties respectively, in conformity with the actual construction of said road as already built, which said new locations, when filed, shall be valid and sufficient in law, to all intents and purposes. [*Approved by the Governor, April 8, 1853.*]

Said new locations to be valid.

An Act in addition to an Act, to incorporate the Nantucket Steam Boat Company. *Chap. 135*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Nantucket Steam Boat Company is hereby authorized to run a steamboat and two other vessels between Nantucket and Hyannis, in the town of Barnstable, or Yarmouth, or on both of said routes, as the stockholders may elect. *[Approved by the Governor, April 8, 1853.]* May run a steamboat, etc., as stockholders may elect.

An Act to change the Name of the City Mutual Marine and Fire Insurance Company. *Chap. 136*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The City Mutual Marine and Fire Insurance Company shall hereafter be called and known as the Tremont Mutual Insurance Company. *[Approved by the Governor, April 8, 1853.]* Name changed.

An Act to authorize the Cambridge Gas Light Company to extend their Gas Pipes into the Town of Somerville. *Chap. 137*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Cambridge Gas Light Company, a corporation established by law, is hereby authorized to extend their pipes for the purpose of conducting gas into the town of Somerville. May extend pipes to Somerville.

SECT. 2. Said corporation, with the consent of the selectmen of the town of Somerville, shall have power and authority to open the ground in any part of the streets, lanes and highways of said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid; and the said corporation after opening the ground in said streets, lanes and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of the said town, for the time being, shall at all times have the power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of said town. May open the ground, lay pipes, etc. The streets to be repaired. Provided, etc.

SECT. 3. This act shall take effect from and after its passage. *[Approved by the Governor, April 11, 1853.]*

Chap. 138 An Act to authorize David Gould and his Associates to build a Wharf.
Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Chatham.

Right of
wharfage.
Provided, etc.

David Gould and his associates are hereby authorized to build a wharf from their land adjoining the old harbor in Chatham, and to extend said wharf to six feet of water at low tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor: *provided*, that this grant shall not affect the legal rights of any person; and *provided*, also, that said wharf shall be built on piles below low water mark. [*Approved by the Governor, April 11, 1853.*]

Chap. 139 An Act to authorize Joseph Nickerson and his Associates to place Buoys in Stage Harbor.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Buoys may be
placed in the
channel.

Provided, etc.

Joseph Nickerson and his associates are hereby authorized to place buoys in the channel at the entrance of old Stage Harbor, and also through the Drain, so called, in Chatham, at their own expense: *provided*, that this grant shall not impair the legal rights of any person, and that said buoys shall be so placed, as to aid and not interrupt navigation, and shall be subject to alteration or removal at the pleasure of the commonwealth. [*Approved by the Governor, April 11, 1853.*]

Chap. 140 An Act to authorize Benjamin Allstrum and James M. Holmes to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Provincetown.

Right of
wharfage.
Provided, etc.

Benjamin Allstrum and James M. Holmes are hereby authorized to build a wharf from their land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor: *provided*, this grant shall not affect the legal rights of any person, and provided also said wharf shall be built on piles below low water mark. [*Approved by the Governor, April 11, 1853.*]

An Act concerning Streets and Ways in the City of Roxbury.

Chap. 141

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. When any street or way, which now is or here-
after shall be opened in the city of Roxbury, over any private
land, by the owners thereof, and dedicated to or permitted to
be used by the public, before such street shall have been ac-
cepted and laid out according to law, it shall be the duty of
the owners of the lots abutting thereon, to grade such street
or way at their own expense, in such manner as the safety and
convenience of the public shall, in the opinion of the mayor
and aldermen of said city, require, and if the owners of such
abutting lots shall, after reasonable notice given by the said
mayor and aldermen, neglect or refuse to grade such street or
way in manner aforesaid, or to close the same from the public, if
the same shall not have been dedicated to the public use, it shall
be lawful for the said mayor and aldermen to cause the same to
be graded as aforesaid, and the expense thereof shall, after due
notice to the parties interested, be equitably assessed upon the
owners of such abutting lots, by the said mayor and aldermen,
in such proportions as they shall judge reasonable ; and all
assessments so made shall be a lien upon such abutting lands,
in like manner as taxes are now a lien upon real estate : *pro-*
vided, always, that nothing contained in this act shall be
construed to affect any agreements heretofore made respecting
any such streets or ways as aforesaid, between such owners
and said city : *provided also,* that any such grading of any
street or way, by the mayor and aldermen as aforesaid, shall
not be construed to be an acceptance of such street or way by
the city of Roxbury.

Abutters to
grade streets or
ways given to
public use.

Proceedings in
case of neglect
or refusal.

Provided.

Provided.

SECT. 2. No street or way shall hereafter be opened as
aforesaid in said city, of a less width than thirty feet, except
with the consent of said mayor and aldermen, in writing, first
had and obtained for that purpose.

No street or
way to be less
than 30 feet wide.

SECT. 3. This act shall take effect in thirty days from the
passing thereof, unless the city council of said city shall with-
in that time vote not to accept the same. [*Approved by the*
Governor, April 12, 1853.]

When to take
effect.

Chap. 142

An Act to authorize Elisha Nickerson to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Provincetown.

Right of
wharfage.

Provided, etc.

Elisha Nickerson is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into nine feet of water at high tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor : *provided*, this grant shall not affect the legal rights of any person, and *provided also*, said wharf shall be built on piles below low water mark. [*Approved by the Governor, April 12, 1853.*]

Chap. 143

An Act to authorize David Young to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Provincetown.

Right of
wharfage.

Provided, etc.

David Young is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor : *provided*, that this grant shall not affect the legal rights of any person ; and *provided also*, that said wharf shall be built on piles below low water mark. [*Approved by the Governor, April 12, 1853.*]

Chap. 144

An Act concerning the First Universalist Society in Lawrence.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certain acts
declared to
be valid.

SECT. 1. All the acts of the First Universalist Society in Lawrence, in holding its annual meeting in the month of January ; in choosing a moderator to hold his office for the year in which he was chosen, such moderator having so held his office ; and in authorizing its standing committee to fill such vacancies as might occur in the offices of said society, said standing committee having acted in filling such vacancies, in pursuance of such authority, are hereby declared to be valid and effectual in law, in as ample a manner, as if said acts, of said society, had been in conformity to the statutes of this commonwealth.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1853.*]

An Act to authorize Amaziah Crowell to extend his Wharf.

Chap. 145

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Amaziah Crowell is hereby authorized to extend his wharf Wharf may be extended. in the harbor of Provincetown, to low water mark, and he shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, Provided, etc that this act shall not impair the legal rights of any person. [*Approved by the Governor, April 12, 1853.*]

An Act to incorporate the Hampshire Consolidated Mining Company. *Chap. 146*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel Ellis, Edward Anthony, and Edwin C. Corporators. Hamilton, their associates and successors, are hereby made a corporation, by the name of the Hampshire Consolidated Mining Company, for the purpose of exploring and working Purpose. mines of lead, copper and other metals, in the county of Hampshire: and prosecuting the mining business in all its branches; with all the powers and privileges, and subject to all the duties, Powers and privileges. liabilities and restrictions, contained in chapters thirty-eight and forty-four of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal Real estate not exceed \$200,000. estate necessary for the purposes aforesaid, not exceeding three hundred thousand dollars.

SECT. 3. No shares in the capital stock of said corporation No shares issued below par. shall be issued for a less sum or amount than the par value of the shares which shall first be issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 12, 1853.*]

An Act to increase the Capital Stock of the Fairhaven Branch Railroad Company. *Chap. 147*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Fairhaven Branch Railroad Company are hereby authorized to increase their capital stock, by an amount not exceeding one hundred thousand dollars, by adding thereto, from time to time, at their discretion, an additional number of shares, Capital stock increased. not exceeding one thousand, of one hundred dollars each. 1000 shares of \$100 each may be added. [*Approved by the Governor, April 14, 1853.*]

Chap. 148

An Act to incorporate the Charles River Ice Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows :

Corporators.

SECT. 1. Lyman Kinsley, Francis Davis, Joseph H. Billings, their associates and successors, are hereby made a corporation, by the name of the Charles River Ice Company, in West Roxbury and Dedham, for the purpose of cutting, storing, transporting and vending ice ; and for this purpose they shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Name.

Purpose.

Powers and privileges.

Capital stock not to exceed \$150,000.

How to be invested.

No shares issued below par.

Provided.

SECT. 2. The capital stock of the said corporation shall not exceed one hundred and fifty thousand dollars, and the same may be invested and held in such real and personal estate as shall be necessary and convenient for carrying on the business of the said corporation, and no shares in the capital stock of the said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued ; and *provided* that this act shall in no wise impair the legal rights of any person. [*Approved by the Governor, April 14, 1853.*]

Chap. 149

An Act in addition to an Act to authorize Towns to take Lands for School Houses.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provisions of the act of May, 1848, extended.

The provisions of the act authorizing towns to take lands for school houses, passed on the first day of May, in the year eighteen hundred and forty-eight, are hereby extended, so as to embrace all cases in which the selectmen shall have determined where a school house is to be placed, in pursuance of the provisions of the thirtieth section of the twenty-third chapter of the Revised Statutes. [*Approved by the Governor, April 14, 1853.*]

Chap. 150

An Act to incorporate the Lasell Female Seminary.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

George W. Briggs, Josiah Lasell, Henry L. Sabine, William Jackson and Joseph L. Patridge, are hereby incorporated by the name of the Lasell Female Seminary, to be established in

Auburndale in the town of Newton, in the county of Middlesex ; with the powers and privileges, and subject to the duties, restrictions and liabilities, provided in the forty-fourth chapter of the Revised Statutes, with power to hold real estate not exceeding in value forty thousand dollars, and personal estate to the amount of ten thousand dollars, to be devoted exclusively to the purposes of education. *[Approved by the Governor, April 14, 1853.]*

Powers and privileges.

Real estate not exceed \$40,000 and personal estate \$10,000.

For educational purposes.

An Act concerning the Union Railroad Company.

Be it enacted by the Senate and House of Representatives, Chap. 151 in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The City Council of the city of Cambridge, and the Selectmen of the town of Somerville, shall have full power to determine in what manner said railroad shall be constructed across the streets within said city of Cambridge and town of Somerville, whether at grade, or otherwise, and what securities shall be provided and maintained by said corporation at such crossings.

Crossing the streets of Cambridge and Somerville, how determined.

SECT. 2. The Union Railroad Company are hereby authorized to enter upon and unite their Railroad with the Grand Junction Railroad, and may at any time lease their road, or transfer their property and franchises to the Grand Junction Railroad and Depot Company, and the Grand Junction Railroad and Depot Company may build and maintain said Union Railroad.

May enter upon Grand Junction Railroad and may lease, etc.

SECT. 3. So much of an act of this commonwealth, entitled "An Act to incorporate the Union Railroad Company," passed May 10, 1848, as is inconsistent with the provisions of this act, is hereby repealed.

Inconsistent act repealed.

SECT. 4. This act shall take effect from and after its passage. *[Approved by the Governor, April 14, 1853.]*

An Act to authorize Richard Picket and John Picket to build a wharf. Chap. 152

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Richard Pickett and John Pickett, are hereby authorized to build and maintain a wharf from their own land adjoining the harbor of Beverly, and extend the same, south one degree west, three hundred and thirty feet from the stone breast work at the south side of Water street in said Beverly ; the extension below low water mark to be built on piles ; and

Wharf in Beverly.

Right of
wharfage.

Provided.

they shall have the right to lay vessels at the end and sides of said wharf, and to receive dockage and wharfage therefor: *provided*, this grant shall not in any manner interfere with the legal rights of any person. [*Approved by the Governor, April 14, 1853.*]

Chap. 153

An Act in addition to the Acts concerning School Districts.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

School commit-
tees may discon-
tinue school
districts unless,
etc.

In each town in this commonwealth, which is now, or may be hereafter divided into districts for schools, such districts shall be discontinued at the discretion of the school committee ; unless the inhabitants of the town, at their annual meeting for the choice of town officers next following the first of January, eighteen hundred and fifty-four, and as often as once in three years thereafter, shall vote to continue the same, and the care and management of all the schools therein shall devolve upon said school committee, until the town, at a subsequent annual meeting, shall otherwise direct. [*Approved by the Governor, April 14, 1853.*]

Chap. 154

An Act regulating the Storage, Safe-Keeping and Sale of Fire-Works in the City of Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Chief engineer
may license to
sell fire-works,
etc.

SECT. 1. It shall not be lawful for any person or persons to keep or sell any fire-works within the city of Boston, in any quantity, without first having obtained from the chief engineer of the fire department of said city a license therefor, signed by the chief engineer or by the secretary of the board of engineers, on which shall be written or printed a copy of the rules and regulations by them established, relative to the keeping, selling or storage of fire-works within said city ; and every such license shall be in force until the first day of May next ensuing the date thereof, unless sooner annulled by the board of engineers, and no longer, but such license may, prior to the expiration of that term, be renewed by the chief engineer or the said secretary, from year to year, by endorsement thereon: *provided, always*, that the board of engineers may rescind any such license, if in their opinion the person or persons have disobeyed the law, or infringed on any rules or regulations established by the board of engineers ; and every

Provided.

person who receives a license to sell fire-works, as aforesaid, shall pay for the same the sum of one dollar, and the same sum for the renewal thereof, and all such licenses shall expire on the first day of May, annually, and all moneys received for licenses shall be paid to the board of engineers, for the purpose of defraying the expenses of carrying this act into execution.

Licenses to expire on the first of May, annually.

SECT. 2. Any person or persons who have for sale or keep in possession any fire-works within the city of Boston, contrary to the rules and regulations established by the board of engineers herein mentioned, or who shall sell any fire-works in said city without first having obtained from the said chief engineer, or his secretary, a license as aforesaid, shall forfeit a sum not less than fifteen nor more than fifty dollars for each offence.

Penalty for selling without license.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1853.*]

An Act in addition to an Act to establish the City of Cambridge.

Chap. 155

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The election of mayor, aldermen, and common councilmen, and such other officers of the city of Cambridge as are now by law to be chosen on the first Monday in March, annually, shall in future be made on the first Monday in December, annually ; and the said officers, so chosen, shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections as are provided in the act, entitled “An Act to establish the City of Cambridge,” to which this is in addition : *provided nevertheless*, that the next choice of the said city officers, after the acceptance of this act by the inhabitants of the said city of Cambridge, as hereinafter provided, shall be made at such time, and in such manner, as are prescribed in the act aforesaid ; and the officers so elected shall severally hold their offices until the first Monday of January next succeeding such election, anything in this act to the contrary notwithstanding.

Time of electing mayor and other officers changed.

Provided.

SECT. 2. The election of a city clerk, a city treasurer, and a collector of taxes, who are now by law to be chosen, and all vacancies which are now by law to be filled, by the city council, in the month of April, annually, shall in future be respectively made and filled by the city council in the month of January annually, in the like form and manner, and for the same term of service, as are prescribed in the act to which this act

City council to elect clerk, etc., and fill vacancies in January.

Provided.

is in addition : *provided nevertheless*, that the next choice of such officers and the next vacancies occurring, after the acceptance of this act by the inhabitants aforesaid, as hereinafter provided, shall be made and filled at such time, and in such manner, as are prescribed in the act aforesaid, to which this is in addition ; and the officers so elected shall severally hold their offices until the first Monday in January next succeeding such election, anything in this act to the contrary notwithstanding.

Powers and duties of officers.

SECT. 3. The officers chosen by virtue of this act, shall enter upon the duties of their respective offices on the first Monday in January in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers to which the said officers are respectively subject or entitled by virtue of the act to which this is in addition, and of all other acts having relation to this subject matter.

Boundaries of wards.

SECT. 4. The boundaries of the several wards, and the number of members of the common council which each ward shall be entitled to elect, shall continue to be the same as at present established, until the month of October, in the year one thousand eight hundred and fifty-six ; at which time, and once in every five years thereafter, the city council shall revise the same, and make such alterations therein, in like form and manner as are prescribed in the act to which this is in addition.

City council may establish a fire department.

SECT. 5. The city council of the city of Cambridge may establish a fire department for the said city, to consist of so many engineers and other officers, and so many engine-men and other members, as the city council, by ordinance, shall from time to time prescribe ; and the said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal, of either such officers or members, and to make such requisitions in regard to their conduct and government, and to the management and conduct of fires and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient : *provided*, that the appointment of engine-men, hose-men, and hook-and-ladder-men, shall be made by the mayor and aldermen exclusively.

Former acts to continue in force.

SECT. 6. An act establishing a fire department in the town of Cambridge, passed March seventeenth, in the year one thousand eight hundred and thirty-two, and an act in addition thereto, passed March thirtieth, in the year one thousand eight hundred and thirty-five, shall continue in force, except in regard to the power of making by-laws and publishing the same, and except also in so far as they are otherwise inconsistent with the preceding section ; in which respects they shall be void.

Except so far as inconsistent.

SECT. 7. The city council shall have exclusive power and authority to lay out new streets or ways within the said city, and to estimate the damage which any person shall sustain thereby ; but all petitions and questions, relating to the laying out, widening, altering or discontinuing of any street or way, shall be first acted upon by the mayor and aldermen. Any person dissatisfied with the decision of the city council, in the estimate of damages, may, within six months thereafter, make a complaint to the county commissioners, in the county of Middlesex, upon which complaint the same proceedings shall be had as are provided in the twenty-fourth chapter of the Revised Statutes, in cases where persons are aggrieved by the assessment of damages by selectmen.

City council to lay out streets.

Persons dissatisfied may make complaint, etc.

SECT. 8. If a vacancy shall exist in any of the boards of assessors, assistant assessors, overseers of the poor, or school committee, by failure of the inhabitants to elect, by neglect or refusal to serve, by death, resignation, or any other cause, the city council shall fill such vacancy as soon as may be after the knowledge of the fact : *provided*, that nothing herein contained shall be construed to prevent the operation of the act passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-nine, being chapter one hundred and forty-four of the acts of said year, relating to such vacancies, therein mentioned, as may occur in the school committee after the date of the warrant for the annual town meeting for the election of their successors.

Vacancies, how filled.

SECT. 9. All boards and officers acting under the act of incorporation of the city of Cambridge, and entrusted with the expenditure of public money, shall be accountable therefor to the city council in such manner as they may direct.

Officers accountable for public money.

SECT. 10. No board or committee of the city council, or of either branch thereof, shall make any contracts on behalf of or binding upon the said city, the amount of which contracts shall exceed the specific appropriations of the city council previously made therefor.

Contracts not to exceed appropriations.

SECT. 11. All acts and parts of acts, inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

SECT. 12. This act shall be void, unless the inhabitants of the said city of Cambridge, at a legal meeting called for that purpose, shall, by a majority of the voters present and voting thereon, by ballot, determine to adopt the same. [*Approved by the Governor, April 14, 1853.*]

Act to be void unless accepted by inhabitants.

Chap. 156 An Act to prevent the Transaction of Business under unauthorized Names.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Names not to be used unless by written consent.

SECT. 1. No person carrying on business in this commonwealth, shall assume or continue to use in his business the name or names of any person or persons formerly connected with him in partnership, or of any other person or persons, either alone or in connection with his own or any other name or designation, without the consent of such person or persons, or of his or their legal representatives, in writing.

Supreme judicial court may restrain, etc.

SECT. 2. The supreme judicial court shall have power in equity to restrain by injunction the use of any person's name in violation of this act. [*Approved by the Governor, April 14, 1853.*]

Chap. 157 An Act to incorporate the Westfield Savings Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Powers and privileges.

Silas Root, Samuel Horton, Frederick Bush, their associates and successors, are hereby made a corporation, by the name of the Westfield Savings Bank, to be established in the town of Westfield ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this commonwealth relating to institutions for savings. [*Approved by the Governor, April 16, 1853.*]

Chap. 158 An Act to incorporate the Eagle Cotton Gin Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Name.

Purpose.

Place.

Duties, etc.

SECT. 1. Henry Perkins, Philo Keith, and Asa P. Keith, their associates and successors, are hereby made a corporation, by the name of the Eagle Cotton Gin Company, for the purpose of manufacturing cotton gins, and other machinery, in the town of Bridgewater, in the county of Plymouth ; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real and personal state not exceed \$200,000.

SECT. 2. The said corporation may hold real and personal estate for the purposes aforesaid, not exceeding in amount two hundred thousand dollars.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall be first issued. No shares issued below par.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1853.*]

An Act to authorize John Smith and Warren Smith to build a Wharf. *Chap. 159*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John Smith and Warren Smith are hereby authorized to build a wharf from their land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor: *provided*, this grant shall not impair the legal rights of any person; and *provided also*, said wharf shall be built on piles below low water mark. Right of wharfage. Provided, etc.
 [*Approved by the Governor, April 16, 1853.*]

An Act to amend the Laws for the Regulation of the Inspection of Pickled Fish. *Chap. 160*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The seventieth section of the twenty-eighth chapter of the Revised Statutes, shall be so far amended, that the Inspector General of Fish shall receive an excise or fee for his commission and bond, of one dollar from each deputy inspector, and no more. Inspector to receive \$1 from each deputy for commission and bond.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1853.*]

An Act to incorporate the Shawmut Sugar Refining Company. *Chap. 161*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Marshall Kingman, Aaron Rice, and Emerson Leland, their associates and successors, are hereby made a corporation, by the name of the Shawmut Sugar Refining Company in the town of Dedham, county of Norfolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Corporators. Duties, etc.

Real and personal estate not to exceed \$50,000.

No shares issued below par.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid not exceeding in amount the sum of fifty thousand dollars ; and no shares in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued. [*Approved by the Governor, April 16, 1853.*]

Chap. 162

An Act to incorporate the Washington Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Daniel Marshall, William A. Hayes and James L. Baker, their associates and successors, are hereby made a corporation, by the name of the Washington Manufacturing Company ; for the purpose of manufacturing machinery of iron and of other materials, in the town of Dorchester, county of Norfolk : with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth chapter of the Revised Statutes.

Name.

Purpose.

Powers and privileges.

Real and personal estate not exceed \$150,000.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred and fifty thousand dollars.

No shares issued below par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1853.*]

Chap. 163

An Act to authorize the Haverhill Gas Light Company to extend their Gas-Pipes into the Town of Bradford.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Extension of pipes.

SECT. 1. The Haverhill Gas Light Company, a body corporate by law, are hereby authorized to extend their gas-pipes into the streets and public grounds of the town of Bradford.

May open ground, lay pipes, etc.

SECT. 2. Said corporation, with the consent of the selectmen of the town of Bradford, shall have power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same into repair, under the penalty of being prose-

Must repair the same.

cuted for a nuisance; *provided*, that the said selectmen, for Provided, etc.
the time being, shall at all times have the power to regulate,
restrict and control all the acts and doings of said corporation,
which may in any manner affect the health, safety and con-
venience of the inhabitants of the said town.

SECT. 3. This act shall take effect from and after its pas-
sage. [*Approved by the Governor, April 16, 1853.*]

An Act to authorize the Selectmen of the Town of Dennis to lower the *Chap. 164*
Bridge over Swan Pond River.

*Be it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the same,
as follows:*

SECT. 1. The selectmen of the town of Dennis are hereby Swan pond river
bridge lowered.
authorized to lower the bridge, built over the Swan Pond
River by virtue of the sixtieth chapter of the acts passed in
the year one thousand eight hundred and forty-nine, so that
the said bridge shall be not less than five feet above ordinary
high water mark.

SECT. 2. The said bridge, after this alteration shall have When deemed to
be legally built.
been made, shall be deemed to be built according to law:
anything in the sixtieth chapter of the statutes of eighteen
hundred and forty-nine, to the contrary notwithstanding.

SECT. 3. This act shall take effect from and after its pas-
sage. [*Approved by the Governor, April 16, 1853.*]

An Act to incorporate the Oakdale Hotel Company.

Chap. 165

*Be it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the same,
as follows:*

SECT. 1. Daniel Hosmer, William Thomas, Rowland Corporators.
Shepard, Linus M. Harris, their associates and successors, are
hereby made a corporation, by the name of the Oakdale Hotel Name and
purpose.
Company, for the purpose of erecting in the town of West
Boylston buildings necessary and convenient for a public house;
with all the powers and privileges, and subject to all the lia- Powers,
privileges, etc.
bilities, duties and restrictions, set forth in the forty-fourth
chapter of the Revised Statutes.

SECT. 2. Said corporation may hold such real and personal Real and person-
al estate not to
exceed \$10,000.
property as may be necessary and convenient for the purposes
aforesaid, not exceeding in amount ten thousand dollars, *pro-
vided*, that no shares in the capital stock of said corporation No shares issued
below par.
shall be issued for a less sum or amount, to be actually paid in
on each, than the par value of the shares which shall be first
issued. And if any ardent spirits, or intoxicating drinks of Proviso.

any kind whatever shall be sold unlawfully by said company, or by their agents, lessees or persons in their employ, in any of said buildings, then this act shall be void. [*Approved by the Governor, April 21, 1853.*]

Chap. 166 An Act to incorporate the Northampton Young Men's Institute.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.	SECT. 1. Samuel A. Fisk, S. W. Hopkins, Henry Dikeman, their associates and successors, are hereby made a corporation, by the name of the Northampton Young Men's Institute, for the purpose of establishing and maintaining a library, and promoting public instruction by lectures or otherwise, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.
Name and purpose.	
Duties, etc.	
Real and personal estate not exceed \$20,000.	SECT. 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding twenty thousand dollars. [<i>Approved by the Governor, April 21, 1853.</i>]

Chap. 167 An Act to incorporate the Union Association in the Town of Brighton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.	SECT. 1. That Thomas W. Herrick, Nathaniel Martin, Willard H. Giles, and their associates and successors, are hereby made a corporation, by the name of the Union Association in the town of Brighton, in the county of Middlesex, an association for the purpose of establishing and providing for a Lyceum, a Public Library, and courses of lectures on scientific or literary subjects, and for such kindred objects which may from time to time be considered advisable and proper.
Name and purpose.	
Capital stock not to exceed \$20,000	SECT. 2. The said corporation may hold for the purposes aforesaid real and personal estate to the amount of twenty thousand dollars, and the capital stock shall not exceed said sum. [<i>Approved by the Governor, April 21, 1853.</i>]

An Act to authorize the Consolidation of the Williamstown and Hancock Railroad Company with the Lebanon Springs Railroad Company. *Chap. 168*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The stockholders of the Williamstown and Hancock Railroad Corporation are hereby constituted stockholders of the Lebanon Springs Railroad Company, a corporation created by, and in accordance with the general railroad laws of the state of New York, in the year one thousand eight hundred and fifty-two, and the stockholders of said Lebanon Springs Railroad Company are hereby constituted stockholders of the said Williamstown and Hancock Railroad Company ; and the two companies are hereby made one corporation, by the name of the Lebanon Springs Railroad Company, and all the franchises, property, powers and privileges, granted or acquired under the authority of the said states respectively, shall be held and enjoyed by all the said stockholders in proportion to the number of shares or amount of property held by them respectively, in either or both of said corporations.

Railroads consolidated.

Name.

Property, etc., how divided.

SECT. 2. One or more of the directors of said Lebanon Springs Railroad Company shall at all times be an inhabitant of this commonwealth, on whom processes against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made, and the process is returnable.

One director to be an inhabitant of Mass.

SECT. 3. The said company shall keep separate accounts of their expenditures in Massachusetts and in New York respectively, and two commissioners shall be appointed, one by the governor of each state, to hold their offices for the term of four years, and to be reasonably compensated by said company, who shall decide what portion of all expenditures of said company, and of its receipts and profits properly pertain to that part of the road lying in Massachusetts and New York respectively, and the annual report required to be made by the directors to the legislature of this commonwealth shall, if approved by the said commissioners, be signed by them.

Separate accounts to be kept and two commissioners to be appointed.

SECT. 4. The said company and the stockholders therein, so far as their road is situated in Massachusetts, shall be subject to all the duties and liabilities of the said Williamstown and Hancock Railroad Corporation and the general laws of this state, to the same extent as the said Williamstown and Hancock Railroad Company, and the stockholders therein, would have been if this act had not been passed.

Liabilities of stockholders in Mass.

SECT. 5. This act shall not take effect until the legislature

When to take effect.

of the state of New York shall have passed an act similar to this, nor until said acts shall have been accepted by the stockholders of the said two corporations respectively, at legal meetings called for that purpose. [*Approved by the Governor, April 21, 1853.*]

Chap. 169 An Act to incorporate the Boston Steam Tow-Boat Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. **SECT. 1.** Richard Hennessey, Moses Kimball and Henry Davis, their associates and successors, are hereby made a corporation, by the name of the Boston Steam Tow-Boat Company, for the purpose of holding and using one or more steam-boats for towing vessels in and about Boston harbor, with a capital not exceeding fifty thousand dollars, divided into shares of one hundred dollars each, not to be issued except on payment in cash of the par value thereof.

Duties, etc. **SECT. 2.** The said corporation shall have all the rights and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes ; and so much of the thirty-eighth chapter as may be applicable to said corporation.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1853.*]

Chap. 170 An Act to authorize the Baptist Church and Society in Leicester, to sell Real Estate, and to manage their Funds.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to convey real estate. **SECT. 1.** The Baptist Church and Society in Leicester, are hereby authorized to sell and convey by deed their parsonage estate and other lands belonging to said church and society, situated in said town.

Committee to make conveyance and to place proceeds with trustees. **SECT. 2.** The said church and society shall at legal meetings, called for that purpose, choose by concurrent vote, a committee to make sale of said estate, and the whole or any part of said lands, in such way and manner as said church and society shall direct ; and the committee thus chosen shall have authority to execute and deliver deeds accordingly, and shall place the proceeds of said sales in the hands of trustees elected for that purpose.

Board of trustees to be chosen. **SECT. 3.** The said church and society shall, as soon as convenient, at their meetings called as above provided, and every

fourth year thereafter, in the month of January, elect concurrently three persons who shall be members of some regular Baptist church or churches, who shall constitute a board of trustees to hold their office until others are chosen, and said trustees shall have authority to receive the proceeds of the sales of said estate and lands, and shall invest the same in safe and permanent securities, or in mortgages on real estate, so as not to impair the intention of the original donors. And the income arising therefrom shall always be applied for the use and support of the ministry in said church and society.

Proceeds of sales,
how invested.

Income, how
applied.

SECT. 4. The said trustees shall have authority to receive any donations or bequests hereafter made or devised to said church and society for parochial purposes; and said donations and bequests shall be held or invested, and the income thereof applied in the same manner as provided for the original funds in the preceding section, and shall be alike inalienable forever.

Trustees may
receive dona-
tions, etc.

SECT. 5. The said trustees shall give such reasonable bonds for the amount of property in their hands as said church and society shall require. And any vacancy in said board of trustees may be filled at any regular meetings of said church and society, called for that purpose.

Trustees to give
bonds, and
vacancies, how
filled.

SECT. 6. This act shall take effect from and after its passage. [Approved by the Governor, April 21, 1853.]

An Act in addition to an Act to establish the City of New Bedford. Chap. 171

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. If on the day of the annual ward meetings in the said city, the election of overseers of the poor, school committee, assessors or assistant assessors, shall not be completed according to the provisions of the eleventh section of the act incorporating said city; and the said ward meetings or either of them shall be adjourned without day; or if at any time, or from any cause, a vacancy shall exist in either of said offices in any ward of the city, the mayor and aldermen of said city are hereby authorized to issue their warrants for a new election in such ward or wards, to fill any vacancy in either of said offices; and the persons chosen at the said meetings shall act in the offices to which they shall be chosen in all respects, and with the same powers, as if they had been chosen on the day of said annual meeting.

Mayor and
aldermen may
issue new
warrants to fill
certain vacancies

SECT. 2. This act shall be void unless the inhabitants of said city, at a legal meeting called for that purpose, shall, by

Not to take effect
unless accepted
by legal voters
within 20 days.

a vote of a majority of the voters present, and voting thereon by written ballot, determine to adopt the same, within twenty days from and after its passage.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1853.*]

Chap. 172 An Act to authorize the Proprietors of Dighton and Berkley Bridge to discontinue the same.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1 The proprietors of the Dighton and Berkley Bridge are hereby authorized to discontinue said bridge as a pass-way ; and the said proprietors are hereby authorized and empowered to take up the materials, and to sell and dispose of the same in such manner as they may elect, and to divide the proceeds of such sale among the stockholders according to the number of their shares respectively : *provided, however,* that said proprietors shall not sell or dispose of, or in any way alter or interfere with the abutments of said bridge on each side of Taunton river ; but the said abutments shall remain as they now are, for the use and benefit of the towns of Dighton and Berkley respectively forever, but without cost or expense to said proprietors.

SECT. 2. The several acts relating to said bridge, so far as they are incompatible with the provisions of this act, are hereby repealed.

SECT. 3. This act shall take effect sixty days after its passage. [*Approved by the Governor, April 23, 1853.*]

Chap. 173 An Act to incorporate the Trustees of the House of the Angel Guardian.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John B. Fitzpatrick, Manasses Dougherty and George F. Haskins, and their successors, are hereby made a corporation, by the name of the Trustees of the House of the Angel Guardian, for the purpose of maintaining and training destitute, idle and vagrant boys, with all the powers and privileges, and subject to all the liabilities, restrictions and requirements, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation may take and hold real and personal estate for the purpose aforesaid to an amount not exceeding fifty thousand dollars. [*Approved by the Governor, April 23, 1853.*]

An Act concerning the Militia.

Chap. 174

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the second section of chapter two hundred and eighteen of the acts of eighteen hundred and forty-nine, as limits duty in camp to two days is hereby repealed, and the time of performance of such duty is hereby extended to three successive days. Camp duty extended to three days.

SECT. 2. So much of the second section of chapter two hundred and eighteen of the acts of eighteen hundred and forty-nine, as authorizes the adjutant general to assume the superintendence and command of the troops when in camp, and to represent the person of the commander-in-chief at such times, is hereby repealed. Part of former act repealed.

SECT. 3. So much of the third section of chapter one hundred and four, of the acts of eighteen hundred and fifty-two, as allows ten cents per mile for travel to the 'presiding and recording officers of meetings for the election of officers, is hereby repealed, and such presiding and recording officers shall be entitled to charge but five cents per mile for travel, in such cases. Presiding officers to receive 5 cts. a mile for travel.

SECT. 4. The staff of each division and brigade may be increased in number by the addition of an engineer thereto, with the rank of major in the division staff, and that of captain in the brigade staff. Increase of division and brigade staff.

SECT. 5. The fifth section of chapter one hundred and four of the acts of eighteen hundred and fifty-two, is so far altered as to allow the number of privates in companies of cavalry to be eighty, instead of sixty-four ; a farrier and a saddler may also be attached to each company of cavalry. Cavalry companies may consist of 80 privates. etc.

SECT. 6. The compensation for privates, musicians, non-commissioned officers, and officers of companies of cavalry, exclusive of the field and staff officers, for the performance of military duty, required by law, shall be double the amount now allowed to officers and members of volunteer companies ; said increased compensation to be paid by the mayor and aldermen of cities, and the selectmen of towns, which shall be reimbursed from the treasury of the commonwealth, as is by law provided. Compensation of cavalry increased

SECT. 7. The commander-in-chief, with the advice and consent of the council, may authorize the formation of one or more companies of foot artillery, as designated by the war department, March 6th, 1845. Companies of foot artillery authorized.

SECT. 8. All acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed. Inconsistent acts repealed.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1853.*]

Chap. 175 An Act in addition to "An Act to establish the City of Springfield."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Part of former
act repealed.

SECT. 1 So much of the twenty-first section of the act to which this is in addition, as relates to the establishment of a fire department in said city, is hereby repealed.

City council may
establish fire
department.

SECT. 2. The city council of the city of Springfield may establish a fire department for said city, to consist of a chief engineer, and so many assistant engineers, and so many engine-men, hosemen, hook-and-ladder men, as the city council by ordinance shall, from time to time, prescribe; and said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removals, of either such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government, and to the management and conduct of fires, and persons attending fires, subject to the penalties provided for the breach of the city ordinances, as they shall deem expedient: *provided*, that the appointment of enginemen, hosemen, and hook-and-ladder men, shall be made by the mayor and aldermen exclusively.

Authority of
engineers.

SECT. 3. The engineers and other officers of the fire department so appointed as aforesaid, shall have the same authority, in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties now incumbent upon firewards, as are now conferred upon firewards by the Revised Statutes now in force. They shall also have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the removal of such materials or the adoption of suitable safeguards against fire. And said city council are hereby authorized to make suitable ordinances upon the latter subject, under the penalties enacted in the city charter.

May require
the removal
of combustible
materials.

Compensation of
certain officers,
how fixed.

SECT. 4. The compensation to the fire department, to assessors, collector of taxes, city clerk, city treasurer, and school committee, shall be fixed by a concurrent vote of the two branches of the city council, any provision contained in the eighth section of the city charter to the contrary notwithstanding. [*Approved by the Governor, April 23, 1853.*]

An Act to incorporate the Appleton Mutual Fire Insurance Company. *Chap. 176*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

George G. Smith, Eben Tappan, Stephen Libbey, their as- Corporators.
sociates and successors, are hereby made a corporation, by the
name of the Appleton Mutual Fire Insurance Company, in Name.
the city of Boston, for the term of twenty-eight years ; for Term.
the purpose of insuring dwelling-houses and other buildings, Purpose.
and personal property against loss by fire, upon the mutual
principle ; with all the powers and privileges, and subject to
all the duties, liabilities and restrictions, set forth in the thirty- Duties, etc.
seventh and forty-fourth chapters of the Revised Statutes, and
of all other general laws which have been, or which shall be
hereafter, enacted, relating to mutual fire insurance companies :
provided, that no policy shall be issued by this company, un- Provided.
til the sum of one hundred thousand dollars shall have been
subscribed to be insured. [*Approved by the Governor, April*
23, 1853.]

An Act to authorize Timothy P. Johnson to construct a Railroad Track *Chap. 177*
in the Town of Provincetown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Timothy P. Johnson, the proprietor of a wharf Railroad track
in the town of Provincetown, for the purpose of facilitating in Provincetown.
the transportation of earth to said wharf, is hereby authorized
to construct and maintain a railroad track across a public street
adjoining said wharf, between such points and in such direction
as shall be approved by the selectmen of said town of Provin-
cetown.

SECT. 2. A good and sufficient crossing at said street or To maintain a
highway, for teams and carriages, shall be maintained by the said crossing, and
Johnson ; and, in arranging the same, he shall be subject to be subject to
such rules and requirements as by the said selectmen of the necessary rules.
town of Provincetown may be deemed reasonable and neces-
sary. [*Approved by the Governor, April 23, 1853.*]

An Act to incorporate the Malden Tube Works.

Chap. 178

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James J. Walworth, James C. Dunn, Gardiner Corporators
G. Hubbard, their associates and successors, are hereby made

Purpose.	a corporation, by the name of the Malden Tube Works ; for the purpose of manufacturing articles of iron, brass and tin, in the town of Malden, and for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
Duties.	
Real and personal estate not to exceed \$300,000.	SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount three hundred thousand dollars.
No shares issued below par.	SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.
	SECT. 4. This act shall take effect from and after its passage. [<i>Approved by the Governor, April 23, 1853.</i>]

Chap. 179 An Act concerning the Police Court of the City of Boston, and the Justices' Court for the County of Suffolk.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Different justices may hold different sessions.	SECT. 1. Different justices of the Police Court may hold different sessions of such court at the same time, each for the trial of criminal cases, in any rooms in the Court House, or in any other places assigned by the Mayor and Aldermen of the city of Boston.
City solicitor may enter a <i>nol. pros.</i>	SECT. 2. In all prosecutions before the said Police Court, under the by-laws of the said city, the City Solicitor, or other person appointed by the Mayor and Aldermen of the said city, may enter a <i>nolle prosequi</i> , or do any other matter or thing which may be done by a county or district attorney in criminal prosecutions.
Processes issued by courts, how tested.	SECT. 3. All processes issuing from either the said Police Court or the Justices' Court for the county of Suffolk, shall be under the seal of such court, signed by the clerk or either of the assistant clerks thereof, and shall bear teste of the first justice of such court not a party thereto.
Justices' court to be held weekly.	SECT. 4. The Justices' Court for the county of Suffolk shall be held weekly. Each term shall commence on Saturday, and may be continued by adjournment from time to time, until the next Saturday, or so long as shall be necessary.
Police court held morning and afternoon.	SECT. 5. The Police Court of the city of Boston shall be held in the morning, as heretofore, and in the afternoon, at the time to which it may be adjourned ; and on the same afternoons, at three o'clock, or some hour thereafter, (except

Saturday afternoons,) as heretofore ; and it may be holden on Saturday afternoons, if it shall appear to any of the justices to be expedient. [*Approved by the Governor, April 23, 1853.*]

An Act concerning the Boston Oil Company.

Chap. 180

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston Oil Company, a corporation duly established under and by virtue of the provisions of the one hundred and thirty-third chapter of the acts passed in the year one thousand eight hundred and fifty-one, entitled, "An Act relating to Joint Stock Companies," are hereby authorized and empowered to change the location of their manufactory from Boston in the county of Suffolk, "as provided in their articles of association," to Roxbury in the county of Norfolk.

May change location.

SECT. 2. All certificates and records required to be filed and recorded by the said act relating to joint stock companies, and by the thirty-eighth chapter of the Revised Statutes, shall be filed and recorded in the said city of Roxbury and in said county of Norfolk, as provided by said acts, and the said company may hold real and personal estate, and do any and all acts authorized by law in said city of Roxbury, as effectually, as if their location were established therein by their said articles of association.

Certificates to be filed in Roxbury and estate held there.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1853.*]

An Act to incorporate the New England School of Design.

Chap. 181

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel Lawrence, Robert M. Mason and Samuel G. Ward, their associates and successors, are hereby made a corporation, by the name of the New England School of Design, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

SECT. 2. This corporation is authorized to hold real and personal estate to an amount not exceeding fifty thousand dollars, to be devoted exclusively to the education of females in the arts of designing, drawing and engraving.

Powers and privileges.

Real and personal estate not to exceed \$50,000. Exclusive use of the same.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1853.*]

Chap. 182 An Act to authorize Isaiah Baker, Job Chase, Obed Brooks, and their Associates to construct a Dam across the Herring River.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to construct a dam in Harwich.

Tide gate 24 feet wide to stop out tide.

Provided.

This act not to impair legal rights.

Isaiah Baker, Job Chase, Obed Brooks, and their associates, owners of Marsh Meadows, on Herring River, in Harwich, are hereby authorized to construct a dam at some suitable place on their own lands, across said river with a tide-gate, not less than twenty-four feet wide, for the purpose of stopping out the tide during the time of making hay on said meadows, and no longer, and may raise by an equitable tax upon said associate owners, sufficient moneys from time to time for the construction and repairing of said dam and gate : *provided*, said dam shall be removed at the expense of said associates and owners, or those claiming said meadows under them, whenever the legislature shall so require : and, *provided also*, that this act shall not impair the legal rights of any person or corporation whatever. [*Approved by the Governor, April 23, 1853.*]

Chap. 183 An Act to incorporate the Germania Musical Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Carl Bergman, W. H. Schultze, H. Küstenmacher, their associates and successors, are hereby made a corporation, by the name of the Germania Musical Society, for the purposes of mutual assistance and instruction, and for the better management of the fund which they have accumulated for these objects ; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, etc.

May hold real estate not to exceed \$200,000.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount twenty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1853.*]

Chap. 184 An Act relating to Receivers and Concealers of Stolen and Embezzled Property.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

For first offence fine or imprisonment.

SECT. 1. Every person who shall buy, receive or aid in the concealment of any embezzled money, goods or property,

knowing the same to have been embezzled, shall be punished by imprisonment in the State Prison, not more than five years, or by fine not exceeding five hundred dollars, or imprisonment in the county jail not more than two years.

SECT. 2. Every person convicted of buying, receiving, or aiding in the concealment of any stolen or embezzled money, goods or property, knowing the same to have been stolen or embezzled, having been before convicted of the like offence, and every person convicted at the same term of the court of three or more distinct acts of buying, receiving, or aiding in the concealment of any money, goods, or property stolen or embezzled as aforesaid, shall be deemed and adjudged to be a common receiver of stolen and embezzled goods, and shall be punished by imprisonment in the State Prison not more than ten years. [Approved by the Governor, April 23, 1853.]

For subsequent offences not more than 10 years in state prison.

An Act to extend the Time for the Location and Construction of the Agricultural Railroad and concerning the same. *Chap. 185*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time allowed to the Agricultural Branch Railroad Company to locate and construct its railroad, is hereby extended to the first day of July in the year one thousand eight hundred and fifty-six.

Time of location extended.

SECT. 2. The said corporation are hereby authorized to construct their railroad in sections, in the same manner, under the same restrictions, and with all the privileges, provided for in an act entitled An Act to extend the Agricultural Branch Railroad and concerning the same, passed on the fifth day of May, one thousand eight hundred and fifty-two.

May build their road in sections.

SECT. 3. The Boston and Worcester Railroad Company, the Fitchburg and Worcester Railroad Company, the Cheshire Railroad Company and the Vermont and Massachusetts Railroad Company, are each of them hereby authorized, either to subscribe to the stock of the said Agricultural Branch Railroad Company, or endorse, or otherwise guarantee the payment of its bonds, to an amount not exceeding two hundred thousand dollars : *provided, however,* that neither of said corporations shall so subscribe, endorse, or guarantee, until further authorized by a vote of three-fourths of its stockholders present and voting at a meeting called for that purpose.

Other corporations authorized to subscribe to its stock and guarantee payment of bonds, etc.

Provided, etc.

SECT. 4. The said Agricultural Branch Railroad Company, is hereby authorized to lease its road to any of the aforementioned railroad corporations, or it may take a lease of any

May lease to, take a lease of, or unite with, other corporations.

such railroad, may unite and make joint stock with such corporation, or corporations; and any such corporations may guarantee payment of dividends on the whole or any part of the stock of this corporation, upon such terms and conditions as the directors of the contracting companies may agree upon, subject to an approval of three-fourths of the stockholders of this corporation present and voting at a legal meeting called for that purpose. [*Approved by the Governor, April 23, 1853.*]

Terms to be approved by stockholders.

Chap. 186

An Act to abolish the Office of Commissioner of Marshpee.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows:

Office of commissioner abolished.

SECT. 1. The office of Commissioner of Marshpee, established by "An Act to establish the District of Marshpee," chap. 166 of the year 1834, is hereby abolished.

Treasurer of district of Marshpee to be appointed for 3 years and to give bonds.

SECT. 2. It shall be the duty of the governor and council to appoint some suitable person, resident in the county of Barnstable and in the vicinity of said district, to be treasurer of said district, and to fill all vacancies which may happen in said office by death, incapacity, resignation, expiration of term of office, or otherwise. The treasurer shall hold his office for the term of three years, or until a successor shall be appointed, unless sooner removed by the governor and council. He shall be treasurer of the Herring Pond Indians, and shall perform and discharge all the duties now required by law of the Commissioner of Marshpee concerning said Herring Pond Indians: and, before entering upon the duties of his office, he shall give bonds to the treasurer of the commonwealth, approved by the selectmen of said district, and also to the satisfaction of the governor and council, for the faithful performance of said trusts, which bonds shall be examined annually by the governor and council, and if disapproved shall be renewed, with other or additional security. It shall be the duty of said treasurer, to keep, collect and disburse all the moneys belonging to said district, under the proper orders, votes and vouchers therefor, duly authorized by the said district or the selectmen thereof, in conformity to law, and also to keep, collect and disburse all the moneys belonging to the Herring Pond Indians, in the manner the Commissioner of Marshpee was required by law to do: and he shall keep and invest, by deposits, loans or purchase of stocks, or otherwise, in a safe and prudent manner, yielding interest, any and all funds belonging to said district, or to the parish of Marsh-

Duties, etc.

Funds to be loaned on interest.

pee, or to the said Herring Pond Indians, not required for the usual and necessary expenditures thereof: and the said treasurer shall, on or before the first Wednesday in January, in each year, report to the governor and council, for final settlement, an account of the receipts and disbursements of the treasury, and of the funds and mode of investing or keeping the same, including his own charge for all necessary official services: which reports shall be countersigned by the selectmen of said district and also by some person appointed by the Herring Pond proprietors, or a majority of them for that purpose, with their respective approval or disapproval of said report: and the treasurer shall subjoin a particular statement of the affairs of the district and of said Herring Pond Indians, so far as may be necessary for a full understanding of their financial and district concerns, and the governor shall communicate such report and statement to the legislature.

Treasurer to report yearly to governor and council.

SECT. 3. The duties now required by law to be performed by the Commissioner of Marshpee, in calling district meetings, and keeping and correcting a list of voters, shall hereafter devolve upon and be performed by the selectmen of said district, or such person as they may select and appoint for that purpose: and at all district meetings, the proprietors present, entitled to vote, shall choose a moderator, who shall have all the powers appertaining by law to a moderator in town meeting.

Report to be made to legislature.

Manner of calling district meetings.

SECT. 4. Upon the appointment and qualification of the treasurer under this act, the powers and duties of the existing commissioner shall cease: and the treasurer is hereby authorized to make a full settlement with said commissioners, subject to the approval of the selectmen of said district, and to receive the papers and effects belonging to the district or parish of Marshpee, or the Herring Pond Indians, and give sufficient discharge therefor: an account of which, countersigned by the selectmen of the district, with their approval or disapproval, shall be returned to the governor and council for final settlement.

Treasurer to make full settlement with commissioner, receive papers and give discharge.

SECT. 5. The said district, at any regular meeting, with notice in the warrant that the subject will be acted on, may authorize the selectmen of said district to lease or dispose of the trout or herring fishery belonging to said district, from time to time, for terms of time not exceeding five years in any one lease, the proceeds to go into the treasury for the benefit of the district; and they may elect and appoint two or more fish-wardens to protect said fishery: *provided* the same is not repugnant to the laws of the commonwealth.

Selectmen may be authorized to sell trout or herring fishery, etc.

SECT. 6. All persons who shall sell or deliver to any pro-

Penalty for selling spirituous

liquor within limits of the district.

prietor or inhabitant of the district of Marshpee, or of the Herring Pond plantation, (without a permit signed by the treasurer, or some physician, approved by him,) any spirituous or intoxicating liquor, or who shall conceal, have or keep the same for sale, within the exterior limits or boundaries of said district or plantation, shall be liable to the provisions and penalties of the 5th section of the 143d chapter of the Revised Statutes.

Act to apply to treasurer same as to commissioner.

SECT. 7. The act concerning the accounts of guardians of Indians, passed on the second day of April, 1850, shall apply to said treasurer to the same extent as to the commissioners therein mentioned.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1853.*]

Chap. 187

An Act in relation to the Massachusetts Horticultural Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May hold real estate to amount of \$100,000.

SECT. 1. The Massachusetts Horticultural Society are hereby authorized to purchase and hold real estate to the amount of one hundred thousand dollars.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 25, 1853.*]

Chap. 188

An Act concerning Armories for the Use of the Volunteer Militia.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Companies to be provided with armories at state expense.

SECT. 1. It shall be the duty of the mayor and aldermen of cities, and of the selectmen of towns, in this commonwealth, from time to time, to provide each and every company of cavalry, artillery, infantry, light infantry, and riflemen, within the limits of their respective cities and towns, which are now or which may hereafter be duly organized under the laws of the commonwealth, with suitable and proper armories or places of deposit for the safe keeping of the arms and equipments furnished to such company or companies, from time to time, by the adjutant general, under the authority of law; and the expense thereof shall be paid out of the treasury of the commonwealth, in manner as hereinafter provided.

Certificates to be made out and transmitted to adjutant general.

SECT. 2. The said mayor and aldermen and selectmen shall annually, in either of the months of October or November, make out and transmit to the office of the adjutant general,

verified by the oath or affirmation of two at least of said mayor and aldermen, or selectmen, a certificate or return showing the name of each company furnished with an armory, and the amount paid or allowed for the rent or use thereof; and said certificate or return shall embrace also, in substance, as follows:—that the armory or armories so furnished by said mayor and aldermen or selectmen, are such and such only as, in the opinion of a majority thereof, are necessary for the legitimate uses of such company or companies as an armory or armories, and that the value of the annual rent thereof, according to the value of real estate in the city or town wherein the same is or are located, is fully equal to the sum or sums paid or claimed therefor.

SECT. 3. The adjutant general, the treasurer and receiver-general, and the auditor of this commonwealth, respectively, for the time being, shall constitute a board of commissioners to examine and audit all accounts and claims for rent of armories made in pursuance of the provisions of this act; and on or before the first day of January in each year, it shall be the duty of the said board to examine the several returns and certificates mentioned in the preceding section, and to institute such inquiries in relation thereto as they may deem expedient and proper, to cause the same to be corrected if necessary, and to allow such accounts and claims, either in whole or in part, as said commissioners shall deem to be just, and in accordance with the true intent and meaning of this act: *provided, however*, that in no case whatever shall there be allowed in payment for an armory for any one company, a greater sum annually than three hundred dollars. And it shall be the further duty of the said board of commissioners to file in the office of the treasurer of the commonwealth, within ten days after they shall have completed their said examination, a certificate signed by them, showing the sum and sums thus allowed, and the names of the respective companies for whose use the same was allowed, and the city or town to which such companies belong. And the said adjutant general shall thereupon immediately notify the said mayor and aldermen and selectmen of the sum and sums thus allowed; and the amount thereof shall be paid by the treasurer to the said mayor and aldermen and selectmen, respectively, on demand, in the same manner as is now provided by law for the reimbursement of sums paid out by them to the officers and members of the volunteer militia for military service.

Accounts to be audited by board of commissioners.

Provided.

Commissioners to file certificate with treasurer.

Adjutant general to give notice, etc.

SECT. 4. Any person or persons named or referred to in this act, who shall be guilty of making any false return or certificate, required by this act to be made under oath, as here-

Penalty for making false returns.

inbefore provided, with intent to defraud the commonwealth, shall be deemed to have committed the crime of perjury, and shall be punished therefor accordingly. And if, by reason of such false return or certificate, wilfully made by the mayor and aldermen of any city or the selectmen of any town, or any one or more of them, there shall be paid out of the treasury of this commonwealth to such city or town any sum or sums of money to which such city or town is not entitled according to the true intent and meaning of this act, the city or town so receiving the same shall be punished by a fine not exceeding four times the amount of money so received, to be recovered by indictment in any of the courts of this commonwealth of competent jurisdiction.

Inconsistent
acts repealed.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, April 26, 1853.*]

Chap. 189 An Act authorizing Henry Lyon and others to construct a Railway Track in the Town of Groton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Railway track
in Groton.

SECT. 1. Henry Lyon, Addison Gage, and Timothy T. Sawyer, their successors and assigns, are hereby authorized to lay a track from the Fitchburg Railroad, at a point near Sandy Pond, in Groton, across the Stony Brook Railroad, and a county road leading from Westford to Harvard, to said Sandy Pond—which is to be under the management and control of the Fitchburg Railroad Company.

To be under
direction of
Fitchburg
R. R. Co.

SECT. 2. The track above named shall be laid under the direction and to the satisfaction of the Fitchburg Railroad Company, and is to be used for the transportation of ice intended for merchandise, and of materials to be used in securing and preserving it.

SECT. 3. The Fitchburg Railroad Company may have the right to construct and furnish any or all of the materials for said railroad track, and in case they do so, they shall have the right, at any time, to take up such materials as they may furnish.

To cross Stony
Brook R. R.
at grade.

SECT. 4. The track above named where it crosses the location of the Stony Brook Railroad corporation, shall be laid at grade, under the direction and to the satisfaction of that corporation. Said Lyon, Gage and Sawyer, their successors and assigns, are to keep said crossing in good repair within the limits of the location of said Stony Brook Railroad Corporation.

Road crossing in
Groton to be

SECT. 5. The track aforesaid, when it crosses the county

road in Groton, shall be laid under the direction and to the satisfaction of the selectmen of that town. Said Lyon, Gage and Sawyer, their successors and assigns, are to keep said crossing and the approaches to it, within the limits of said county road, in good repair.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1853.*]

An Act to repeal the Act incorporating the Real Estate Mutual Fire Insurance Company. *Chap. 190*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act entitled An Act to incorporate the Real Estate Mutual Fire Insurance Company, passed February twelfth, in the year one thousand eight hundred and forty-six, with all acts in addition thereto, is hereby repealed. [*Approved by the Governor, April 27, 1853.*]

An Act relating to the Enlargement of the State House. *Chap. 191*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. There shall be erected on the north side of the State House, a fire-proof building to connect with the main edifice, in general conformity to a plan called No. 3 in the report of the committee appointed by authority of chapter 99 of the resolves of 1852, and dated the 21st of February last, and the sum of sixty-five thousand dollars is hereby appropriated for the payment of the expenses of such erection ; and the commissioners hereinafter named shall have power to erect said building, in conformity to any alterations in an addition to said plan, including an enlargement of the Hall of the House of Representatives, which may be approved by the governor and council.

SECT. 2. The governor, with the advice of the council, is hereby authorized to appoint three commissioners, who shall superintend the erection of said structure, and their accounts shall be rendered from time to time to the auditor of accounts, and the governor is requested to draw warrants, from time to time, for their payment.

SECT. 3. In order to defray any expenses incurred in pursuance of this act, the treasurer is hereby authorized, under the direction of the governor, by and with the consent of the council, to issue scrip or certificates of debt, in the name and

approved by
selectmen.

Act of incorpora-
tion repealed.

Enlargement of
State House.

\$65,000
appropriated.

Commissioners
to superintend
and to render
accounts.

Treasurer
authorized to
issue scrip not to
exceed \$65,000.

behalf of the commonwealth, to an amount not exceeding sixty-five thousand dollars, redeemable in twenty years from the date thereof and bearing interest at the rate of five per cent. per annum, payable semi-annually; and all such scrip shall be countersigned by his excellency the governor, and the faith of the commonwealth is hereby pledged for the redemption of the same, as above prescribed. And the treasurer may, under the direction of the governor, with the advice and consent of the council, dispose of any portion of said scrip, at any price not less than the original par value.

Treasurer may
borrow money.

Provided

SECT. 4. The treasurer, under the direction of the governor, by and with the advice and consent of the council, may borrow, in anticipation of the scrip authorized as above, of any of the banks of this commonwealth, or of any corporations, or individuals, such sums as may be necessary for the purposes of this act: *provided*, that the whole amount borrowed by authority hereof shall not exceed the said sum of sixty-five thousand dollars.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1853.*]

Chap. 192 An Act in addition to An Act entitled, An Act to authorize the organization of the Lawrence Machine Shop.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Amendment of
act.

Corporation—
with powers,
liabilities, etc.

Part of former
act repealed.

Provided.

No shares to be
issued under par.

SECT. 1. That the act to authorize the organization of the Lawrence Machine Shop be, and the same is hereby amended, so that the proprietors of the said machine shop, and their successors be, and they are hereby constituted a body corporate, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. And that so much of the said act as refers to the act relating to joint stock companies, passed in the year 1851, be and the same is hereby repealed: *provided, however*, that nothing herein contained shall be held to invalidate the organization of the said corporation, or to annul, or impair their acts, contracts, or doings, but the same are hereby confirmed.

SECT. 2. No shares in the capital stock of said company shall be issued for a less amount, to be actually paid in on each, than the par value of the shares in the original capital stock of the company.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor April 27, 1853.*]

An Act establishing State Scholarships.

Chap. 193

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Forty-eight state scholarships are hereby established, to aid in educating and training young men for the office of principal teacher in the high schools of the commonwealth. State scholarships established.

SECT. 2. Each county in the commonwealth shall, in the year one thousand eight hundred and fifty-four, again in the year one thousand eight hundred and sixty-one, and every ten years thereafter, be divided by the Board of Education, according to its population as determined by the last preceding census, as equally as may be conveniently done, into as many sections as such county is entitled to senators in the general court, except Duke's county and Nantucket, which shall form one section, and all the sections shall be arranged by said board into four classes, of ten each, each of which classes of sections shall be entitled, alternately, once in every four years thereafter, beginning in the year one thousand eight hundred and fifty-four, to one scholarship for each of its sections ; and the year in which each class of sections is to be entitled to scholarships, shall be designated by the Board of Education by lot, and notice thereof shall be given by the secretary of the board, through the mail, to the school committee of each town in such class. Board of Education to divide counties into sections.
Board to arrange sections into classes.

SECT. 3. The school committee of every town, in each class of sections, may, in the year designated as aforesaid, recommend, as candidates for scholarships, one or more young men, inhabitants of their town, who, in their opinion, and in the opinion of a competent teacher, to be certified in writing to the Board of Education, will be well fitted for college at the commencement next succeeding, and the Board of Education, together with the senator or senators for the time being, who shall reside within the limits of any section of such class, shall, in the manner hereinafter provided, select from the candidates so recommended, one in each section whom they shall judge most deserving and most likely to become useful as a teacher, who, when selected, shall be the scholar for such section. If no senator shall reside within the limits of any particular section, the Board of Education shall make the selection for that section, and in case any section in such class shall have no candidate suitable to be selected as aforesaid, his place may be filled by said board from the other candidates, recommended as aforesaid from other sections of School committee to recommend candidates.
One candidate in each section to be elected.
Vacancies of candidates to be filled by board.

the same class ; and if, from a deficiency of candidates possessing the proper qualifications, in any class of sections, less than ten scholars be selected therefrom as aforesaid, the board may complete the number from the state at large ; and the selection shall be made, in that case, after a careful examination as to scholarship, conducted by the Board of Education.

Board may select additional scholars.

SECT. 4. If, after the selection of ten scholars from any class of sections, there shall be other candidates from such class recommended as aforesaid, who shall be considered by the Board of Education as possessing the requisite qualifications, said board may select therefrom two additional scholars, and, in default of such candidates from such class, they may select such additional scholars from the state at large, in the manner provided for that case in the third section of this act. All candidates shall be persons of irreproachable moral character, free from any considerable defect of sight or hearing, in good health, and of a healthy constitution.

Meetings to be held at office of secretary who shall give notice.

SECT. 5. Meetings shall be held at the office of its secretary by the Board of Education, and the senators of the respective sections aforesaid, at such times, in the month of June next, and in the month of March in each year thereafter, as the board shall appoint, of which its secretary shall give due notice, at which meetings the selections hereby required to be made by the board and such senators, shall be made. The selections to be made by the board alone, may be made at the same time, or at other times in the same year.

Scholar may select college.

SECT. 6. Any scholar so selected may be educated at either of the colleges now established by law within this commonwealth, which he and his friends may select, and the Board of Education shall pay to him, at the end of each year of his college course, not exceeding four years, the sum of one hundred dollars : *provided* he shall produce, from the president for the time being of such college, a certificate that he has been, during the year, faithful in his studies, exemplary in his deportment, and that he ranks, in scholarship, among the first half of his class.

Board to pay him \$100 per year.

Provided.

Vacancy of scholarship, how filled.

SECT. 7. If any scholarship shall become vacant during the term for which its scholar was selected, the vacancy may be filled in the manner provided by this act for the original selection, and the Board of Education shall take all the measures necessary for the filling of such vacancy in the manner aforesaid.

Scholars may attend normal schools after leaving college.

SECT. 8. If any such scholar, after leaving college, shall desire to attend one of the state normal schools, he shall be allowed the sum of twenty-five dollars for each term, not ex-

ceeding two, during which he shall attend such school, to be paid to him by the Board of Education, upon his producing, from the principal master of such school, a certificate of attendance and of his faithful and exemplary performance of the requirements of such school: *provided, however*, that such allowance be made only out of any unexpended balance of the funds provided by this act.

SECT. 9. Any scholar who shall have enjoyed the bounty of the commonwealth in the manner provided by this act, shall teach in the public schools of the commonwealth a term of time equal to that for which he shall have received such bounty, and in case he shall fail so to teach, if in competent health, he shall pay to the treasurer of the commonwealth, at the rate of one hundred dollars a year for the time he shall fail so to teach, with interest thereon from the end of his college course, which may be recovered by the treasurer in an action at law; and, when received, shall be added to the appropriation made by this act, and applied to the same purposes: *provided*, that such scholar shall be under no obligation to make such payment, if he shall prove, to the satisfaction of the Board of Education, that his failure so to teach has arisen from his inability to find employment.

Scholars shall teach in public schools in case of failure to pay, etc.

Provided.

SECT. 10. The sums of twelve hundred dollars for the year commencing July first, one thousand eight hundred and fifty-four, twenty-four hundred dollars for the year commencing July first, one thousand eight hundred and fifty-five, thirty-six hundred dollars for the year commencing July first, one thousand eight hundred and fifty six, and forty-eight hundred dollars annually thereafter, are hereby appropriated for the accomplishment of the purposes of this act, under the direction of the Board of Education; the said sums to be deducted from the proceeds of the public lands or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen; and the governor, upon the requisition of the Board of Education, shall draw his warrants therefor.

Sums appropriated for accomplishment of this act.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1853.*]

An Act concerning Implements of Burglary.

Chap. 194

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Every person who shall make or mend, or begin to make or mend, or knowingly have in his possession, any

Penalty for making, holding,

using, etc.,
burglarious
instruments.

engine, machine, tool or implement, adapted and designed for cutting through, forcing or breaking open any building, room, vault, safe, or other depository, in order to steal therefrom any money or other property, or to commit any other crime, knowing the same to be adapted and designed for the purpose aforesaid, with intent to use or employ or allow the same to be used or employed for the purpose aforesaid; shall be punished by imprisonment in the State Prison not more than ten years, or by fine not exceeding one thousand dollars, and imprisonment in the County Jail or House of Correction not more than three years. [*Approved by the Governor, April 27, 1853.*]

Chap. 195 An Act in addition to an Act authorizing the Erection of a Second Hospital for the Insane.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

\$50,000 appro-
priated for
completion.

SECT. 1. The sum of fifty thousand dollars is hereby appropriated for the purpose of completing the second hospital for the insane, now being erected in Taunton, to be expended under the authority of the commissioners provided in the act to which this is in addition.

\$20,000 for
furnishing.

SECT. 2. The sum of twenty thousand dollars is hereby appropriated for the purpose of furnishing and providing for the occupancy of said hospital, to be expended under the authority of trustees, hereafter to be appointed, according to law.

Treasurer to
issue scrip to
amount of
\$70,000.

SECT. 3. In order to provide the means to defray the expenses contemplated in the first and second sections of this act, the treasurer is hereby empowered, under the direction of the governor, with the advice and consent of the council, to issue scrip or certificates of debt, in the name and behalf of the commonwealth, and under his signature and the seal of the commonwealth, to an amount not exceeding seventy thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually, on the first days of April and October, with warrants for the interest attached thereto, signed by the treasurer, which scrip or certificates shall be redeemable on the first day of April, in the year one thousand eight hundred and sixty-five, and shall be countersigned by the governor of the commonwealth, and be deemed a pledge of the faith and credit of the commonwealth for the redemption thereof. And the treasurer may, under the direction of the governor and council, dispose of any portion of said scrip at any price not less than its par value.

SECT. 4. The treasurer, under the direction of the governor and council, may borrow, in anticipation of the issue of any of the scrip authorized as above, such sums as may be necessary for the purposes of this act: *provided*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall at no time exceed the amount of seventy thousand dollars.

Treasurer may borrow money.

Provided.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 27, 1853.*]

An Act to extend the Jurisdiction of Police Courts in Cases of Assault and Battery. *Chap. 196*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The several police courts of this commonwealth, in addition to the jurisdiction now exercised by them in cases of assault and battery, shall have concurrent jurisdiction with the municipal court of Boston, and the court of common pleas in the several counties of the state, of all cases of assault and battery, except where such assault and battery shall be committed with intent to commit some other offence, or with a weapon dangerous to life, or where the life of the person assaulted is endangered, or where the person assaulted is maimed. And for such assault and battery, said courts may punish by fine not exceeding thirty dollars, or by imprisonment in the county jail or house of correction, not exceeding six months.

Police courts to have concurrent jurisdiction in certain cases.

SECT. 2. Said police courts may, in their discretion, decline to take final jurisdiction of any case of aggravated assault and battery, and may send the same, as now, to the court of common pleas, or to the municipal court of Boston for trial. And any person convicted under the provisions of this act, shall have the right of appeal in the same manner that is now possessed by persons convicted of assault before a police court. [*Approved by the Governor, April 27, 1853.*]

Police courts may decline final jurisdiction.

And persons convicted may appeal.

An Act to increase the Capital Stock of the Hampshire Manufacturers Bank. *Chap. 197*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The president, directors, and company of the Hampshire Manufacturers Bank, in Ware, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars

\$50,000 additional capital.

Proviso.

each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Remonstrances to be made in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of July next ; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to same restrictions as original stock.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate of payment, etc., to be returned to secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. *[Approved by the Governor, April 28, 1853.]*

Chap. 198 An Act to increase the Capital Stock of the Taunton Bank, in Taunton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

\$50,000 additional capital.

SECT. 1. The president, directors and company of the Taunton Bank in Taunton, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, which may be so added to their present shares, whose par value is eighty dollars each, as to make them one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to be made in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier, on or before the first day of July next ; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restric-

tions, and provisions, to which the present capital stock of said bank is now subject. same restrictions as original stock.

SECT. 4. Before said corporation shall proceed to do business on such additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Certificate of payment, etc., to be returned to secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Village Bank.

Chap. 199

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Village Bank in Danvers, are hereby authorized to increase their present capital stock, by an addition thereto of forty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. \$40,000 additional capital. Provided.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier, on or before the first day of July next : and if the persons so objecting, legally represent one-fourth part of the capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be made in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Additional stock subject to same restrictions as original stock.

SECT. 4. Before said corporation shall proceed to do business on such additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Certificate of payment, etc., to be returned to secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to incorporate the Capital Stock of the Mechanics Bank, Boston. Chap. 200

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Mechanics Bank in Boston, are hereby authorized to increase \$50,000 additional capital.

their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided* that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to be made in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional stock subject to same restrictions as original stock.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like law, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate of payment, etc., to be returned to secretary of state.

SECT. 4. Before said corporation shall proceed to do business on such additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 201

An Act to increase the Capital Stock of the Abington Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital \$50,000.

SECT. 1. The president, directors and company of the Abington Bank, in Abington, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided* that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of July next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Freeman's Bank.

Chap. 202

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Freeman's Bank in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Additional capital \$50,000.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of July next : and, if the persons, so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 203

An Act to increase the Capital Stock of the Leicester Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$50,000.

SECT. 1. The president, directors and company of the Leicester Bank, in Leicester, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid when paid into said bank shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 204

An Act to increase the Capital Stock of the Old Colony Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$50,000.

SECT. 1. The president, directors and company of the Old Colony Bank, in Plymouth, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of July next ; and if the persons, so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Union Bank of Weymouth and Braintree. *Chap. 205*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Union Bank of Weymouth and Braintree, in Weymouth, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Additional capital \$50,000.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next ; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing

SECT. 3. The additional stock aforesaid when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors and attested by the cashier under oath, that

Certificate to be filed with secretary of state.

the same has actually been paid into the said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 206

An Act to increase the Capital Stock of the Hadley Falls Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital \$100,000.

SECT. 1. The president, directors, and company of the Hadley Falls Bank, at Holyoke, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the person so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 207

An Act to increase the Capital Stock of the Massasoit Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital \$100,000.

SECT. 1. The president, directors, and company of the Massasoit Bank, in Fall River, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president

and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the person so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. *[Approved by the Governor, April 28, 1853.]*

An Act to increase the Capital Stock of the Hampden Bank.

Chap. 208

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Hampden Bank, in Westfield, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Additional capital \$50,000.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the person so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Proviso.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Remonstrance to be in writing

SECT. 4. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 209

An Act to increase the Capital Stock of the Dedham Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$50,000.

SECT. 1. The president, directors, and company of the Dedham Bank, in Dedham, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into the said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 210

An Act to increase the Capital Stock of the Waltham Bank of Waltham.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$50,000.

SECT. 1. The president, directors, and company, of the Waltham Bank, of Waltham, are hereby authorized to increase

their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Grocers Bank.

Chap. 211

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The president, directors, and company, of the Grocers Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Additional capital \$200,000. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into Additional

capital subject
to tax.

said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 212

An Act to increase the Capital Stock of the Boylston Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$50,000.

SECT. 1. The president, directors, and company, of the Boylston Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Cambridge Market Bank. *Chap. 213*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president directors, and company, of the Cambridge Market Bank, in Cambridge, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Additional capital \$50,000.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is now subject.

Additional capital subject to tax.

SECT. 4. Before the said corporation shall proceed to do business on the said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Loughton Bank. *Chap. 214*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Loughton Bank, in Lynn, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Additional capital \$50,000.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein

Remonstrance to be in writing.

provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 215

An Act to increase the Capital Stock of the Westfield Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$50,000.

SECT. 1. The president, directors, and company, of the Westfield Bank in Westfield, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be

returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Milford Bank.

Chap. 216

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Milford Bank, in Milford, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Additional capital \$50,000.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Proviso. Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into the said bank, shall be returned into the office of the secretary of the commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Barnstable Bank.

Chap. 217

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Barnstable Bank, in Yarmouth, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, Additional capital \$50,000.

which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 218

An Act to increase the Capital Stock of the North Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company of the North Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional stock when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Shawmut Bank.

Chap. 219

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The president, directors, and company, of the Shawmut Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Additional capital \$250,000.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 220

An Act to increase the Capital Stock of the Central Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital \$100,000.

SECT. 1. The president, directors, and company, of the Central Bank, in Worcester, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional stock aforesaid, when paid into the said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 221

An Act to increase the Capital Stock of the Lee Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital \$50,000.

SECT. 1. The president, directors, and company, of the Lee Bank, in Lee, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital stock, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Gloucester Bank.

Chap. 222

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Gloucester Bank are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Additional capital \$100,000.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath,

Certificate to be filed with secretary of state.

that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 223

An Act to increase the Capital Stock of the Granite Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital 150,000.

SECT. 1. The president, directors, and company, of the Granite Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 224 An Act to increase the Capital Stock of the Mechanics Bank in Worcester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$50,000.

SECT. 1. The president, directors, and company, of the Mechanics Bank in Worcester, are hereby authorized to increase their present capital stock by an addition thereto of fif-

ty thousand dollars in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Prescott Bank of Lowell. *Chap. 225*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Prescott Bank, of Lowell, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Additional capital \$50,000.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Proviso.

Remonstrance to be in writing.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 226 An Act to increase the Capital Stock of the Lynn Mechanics Bank

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

• Additional
capital \$50,000.

SECT. 1. The president, directors, and company, of the Lynn Mechanics Bank, in Lynn, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on such additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Bank of North America. *Chap. 227*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Bank of North America, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in on or before the first day of May, in the year one thousand eight hundred and fifty-four. Additional capital \$250,000. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Eagle Bank.

Chap. 228

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Eagle Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Additional capital \$200,000. Proviso.

Remonstrance to
be in writing

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on such additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 229

An Act to increase the Capital Stock of the Bank of Commerce.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$500,000.

SECT. 1. The president, directors, and company, of the Bank of Commerce, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of five hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath,

that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Worcester Bank.

Chap. 230

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Worcester Bank, in Worcester, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Additional capital \$50,000.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Asiatic Bank.

Chap. 231

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Asiatic Bank, in Salem, are hereby authorized to increase their present capital stock by an addition thereto of ten thousand dollars, which shall be divided into two hundred equal

Additional capital \$10,000, to be divided, etc

parts, which parts shall be added to the value of the present shares of said bank, so as to make their par value thirty dollars, and the additional capital stock herein provided, shall be paid in whenever the president and directors may direct: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the capital stock in said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 232

An Act to increase the Capital Stock of the Warren Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Additional capital \$50,000.

SECT. 1. The president, directors, and company, of the Warren Bank, in Danvers, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

An Act to increase the Capital Stock of the Blackstone Bank.

Chap. 233

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Blackstone Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Additional capital \$100,000

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Proviso.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Remonstrance to be in writing.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Additional capital subject to tax.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 234

An Act to increase the Capital Stock of the Union Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital \$100,000.

Proviso.

Remonstrance to be in writing.

Additional capital subject to tax.

Certificate to be filed with secretary of state.

SECT. 1. The president, directors, and company, of the Union Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1853.*]

Chap. 235

An Act to increase the Capital Stock of the Bristol County Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital \$50,000.

Proviso.

SECT. 1. The president, directors, and company, of the Bristol County Bank, in Taunton, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

Certificate to be filed with secretary of state.

SECT. 5. This act shall take effect from and after its passage.
[Approved by the Governor, April 28, 1853.]

An Act to increase the Capital Stock of the Franklin County Bank. Chap. 236

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Franklin County Bank in Greenfield, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Additional capital \$50,000.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of July next: and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Additional capital subject to tax.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that

Certificate to be filed with secretary of state.

the same has been actually paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, April 28, 1853.]

Chap. 237 An Act to increase the Capital Stock of the Machinist's Bank, Taunton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional
capital \$50,000.

SECT. 1. The president, directors and company of the Machinist's Bank, in Taunton, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine : *provided* that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of July next : and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject
to tax.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be filed with
secretary
of state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, April 28, 1853.]

Chap. 238 An Act to incorporate the Hopkinton Bank, in Hopkinton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Erastus Thompson, Eliakim A. Bates, S. D. Davenport, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Hopkinton Bank to be established in Hopkinton,

and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking. Continue till 1875.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Capital stock \$100,000. Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books. Transfer of stock.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*] Subject to future laws.

An Act to incorporate the Metacomet Bank in Fall River.

Chap. 239

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Richard Borden, Jefferson Borden, Daniel Brown, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Metacomet Bank, to be established in Fall River, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking. Corporators. Continue till 1875.

SECT. 2. The capital stock of said bank shall consist of four hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Capital stock \$400,000. Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books. Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*] Subject to future laws.

Chap. 240

An Act to incorporate the Pittsfield Bank, at Pittsfield.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. David Carson, John V. Barker, Robert Pome-roy, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Pittsfield Bank, to be established in Pittsfield, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Continue
till 1872.Capital stock
\$150,000.

SECT. 2. The capital stock of said bank shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Transfer
of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Subject to
future laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Chap. 241

An Act to incorporate the Lechmere Bank, in Cambridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Amory Houghton, Edmund Boynton, Frederick Kidder, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Lechmere Bank, to be established in that part of Cambridge called East Cambridge, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Continue
till 1875.Capital stock
\$100,000.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at

such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books. Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*] Subject to future laws.

An Act to incorporate the Cambridge City Bank, in Cambridge.

Chap. 242

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Solomon H. Dodge, E. M. Dunbar, William P. Fisk, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Cambridge City Bank, to be established in Cambridge, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking. Corporators.
Continue till 1875.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. Capital stock \$100,000.
Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books. Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*] Subject to future laws.

An Act to incorporate the Wamesit Bank, in Lowell.

Chap. 243

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Horace Howard, William Livingston, Ignatius Tyler, their associates and successors, are hereby made a cor- Corporators.

Continue
till 1875.

Capital stock
\$100,000.

Proviso.

Transfer
of stock.

Subject to
future laws.

poration, by the name of the President, Directors and Company of the Wamesit Bank, to be established in Lowell, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct : *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Chap. 244

An Act to incorporate the Eliot Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. David Sears, Jr., Thomas Hopkinson, Jeffry R. Brackett, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Eliot Bank, to be established in Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Continue
till 1875.

Capital stock
\$300,000.

Proviso.

SECT. 2. The capital stock of said bank shall consist of three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct : *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Transfer
of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Subject to
future laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such

acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

An Act to incorporate the Woburn Bank, in Woburn.

Chap. 245

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Abijah Thompson, Bowen Buckman, Charles Choate, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Woburn Bank, to be established in Woburn, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Continue
till 1875.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Capital stock
\$100,000.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Transfer
of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Subject to
future laws.

An Act to incorporate the Howard Banking Company in Boston.

Chap. 246

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George W. Robinson, Charles Ellis, Joseph H. Gardner, their associates and successors, are hereby made a corporation, by the name of the president, directors and company of the Howard Banking Company, to be established in Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Corporators.

Continue
till 1875.

Capital stock
\$500,000.

Proviso.

Transfer
of stock.

Subject to
future laws.

SECT. 2. The capital stock of said bank shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Chap. 247

An Act to incorporate the Broadway Bank in South Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

Continue
till 1875.

SECT. 1. William Eaton, John P. Monks, Seth Adams, their associates and successors, are hereby made a corporation, by the name of the Broadway Bank, to be established in South Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Capital stock
\$100,000.

Proviso.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Transfer
of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Subject to
future laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

An Act to incorporate the Rockland Bank in Roxbury.

Chap. 248

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel Walker, Nahum Ward, Joseph Crawshaw and Thomas Adams, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Rockland Bank, to be established in Roxbury, and located on or near Washington street, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Corporators.
Continue
till 1875.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Capital stock
\$100,000.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Transfer
of stock.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Subject to
future laws.

An Act to incorporate the Pyncheon Bank of Springfield.

Chap. 249

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George Merriam, R. S. Moore, George W. Rice, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Pyncheon Bank, to be established in Springfield, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Corporators.

Continue
till 1872.

SECT. 2. The capital stock of said bank shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*,

Capital stock
\$150,000.

Proviso.

that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Transfer
of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Subject to
future laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Chap. 250

An Act to incorporate the Mount Wollaston Bank in Quincy.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William S. Morton, Shadrach Wade, Stephen Bates, their associates and successors, are hereby made a corporation, by the name of the President Directors and Company of the Mount Wollaston Bank, to be established in Quincy, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-two, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Continue
till 1872.

Capital stock
\$100,000.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Transfer
of stock.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Subject to
future laws.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Chap. 251

An Act to incorporate the National Bank of Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John H. Wilkins, Otis Daniell, Charles B. Hall, their associates and successors, are hereby made a corporation

by the name of the president, directors and company of the National Bank of Boston, to be located in the city of Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Continue
till 1875.

SECT. 2. The capital stock of said corporation shall consist of three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Capital stock
\$300,000.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Transfer
of stock.

SECT. 4. Said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Subject to
future laws.

An Act to incorporate the Webster Bank in Boston.

Chap. 252

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William Thomas, George B. Upton, Albert Fearing, their associates and successors, are hereby made a corporation, by the name of the president, directors and company of the Webster Bank, to be established in Boston, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Continue
till 1875.

SECT. 2. The capital stock of said bank shall consist of one million five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Capital stock
\$1,500,000.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Transfer
of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements, and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, April 28, 1853.*]

Subject to
future laws.

Chap. 253 An Act concerning Illegitimate Children whose Parents intermarry.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Rights of
illegitimate
children,

SECT. 1. When, after the birth of an illegitimate child, his parents have intermarried, or shall intermarry, and his father has acknowledged, or shall, after the marriage, acknowledge him as his child, such child shall be considered as legitimate to all intents and purposes.

Acts repealed.

SECT. 2. The fourth section of the sixty-first chapter of the Revised Statutes, and all acts inconsistent herewith are hereby repealed. [*Approved by the Governor, April 28, 1853.*]

Chap. 254 An Act to set off a Part of the Town of Ashland and annex the same to the Town of Hopkinton.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Description of
territory set off.

SECT. 1. So much of the town of Ashland, in the county of Middlesex, with the inhabitants thereon, as lies west of the following described line, is hereby set off from said town of Ashland, and annexed to the town of Hopkinton, in said county of Middlesex, to wit : Beginning at a stone monument which is now the corner bound of the towns of Ashland and Hopkinton, near Indian Brook ; thence north, thirteen degrees east, two hundred and forty-nine rods, to the centre of Concord or Sudbury River : *provided, however,* that all taxes heretofore assessed upon said territory shall be collected in the same manner as if this act had not been passed ; and *provided also,* the said town of Hopkinton shall pay to the said town of Ashland the sum of three hundred dollars within sixty days after the passage of this act.

Taxes. Proviso.

Ashland to
receive \$300.

When to take
effect.

SECT. 2. This act shall take effect from and after the time the town of Hopkinton shall make the payment, as provided in this act, to the town of Ashland. [*Approved by the Governor, April 28, 1853.*]

Chap. 255 An Act to incorporate the Mount Washington Avenue Corporation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Benjamin T. Reed, Deming Jarves, and Eben Jones, their associates and successors, are hereby made a corpo-

ration, by the name of the Mount Washington Avenue Corporation, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation may construct and maintain a pile bridge, not exceeding seventy feet in width, commencing at some point to be selected between the wharves known as Wales's Wharf and Foundry Wharf, on Sea street, in Boston, and extending from the point selected across Fore Point Channel to the harbor line established by "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and not more than fifteen hundred feet northerly from the southerly angle of said line, with a suitable draw and draw piers for the accommodation of vessels passing through the said bridge, subject to be altered and widened at the expense of the said corporation and their assigns, as the legislature may from time to time require.

May construct
a pile bridge.

With draw and
draw piers.

SECT. 3. The said corporation may purchase, or otherwise enter upon and take any land necessary for the purpose, and may make a street or avenue not exceeding seventy feet in width, from the westerly termination of said bridge to Sea street; and if the corporation are not able to agree with the owners of such land, then the actual damage shall be assessed and paid to the owners, in the manner provided by the laws of this commonwealth, in the case of laying out or widening streets in the city of Boston.

May purchase
or take land.

SECT. 4. The said corporation may construct and maintain a solid avenue, not exceeding eighty feet in width from the easterly termination of the said bridge, over the flats of the shore owners, within the line of private rights and in a line parallel with West Broadway, to some point in I street, continued in South Boston, and thence easterly to the uplands owned by the city of Boston; and the said avenue shall be provided with such convenient draws and sluiceways as may be deemed necessary by the commissioners hereinafter named; but nothing in this act contained shall authorize the filling up of the dock near Dorchester street, laid out by agreement recorded in Suffolk Registry of Deeds, liber two hundred and thirty, folio one one hundred and seven.

May construct
a solid avenue
with draws.

SECT. 5. The said corporation may purchase, or otherwise enter upon and take, any land or flats necessary for the purpose of constructing the avenue authorized by the fourth section of this act: and if they shall not be able to obtain such land by any agreement with the owner or owners thereof, then the actual damage shall be assessed and paid to the owners in the

Land damage,
how settled

manner provided by the laws of this commonwealth in the case of laying out or widening streets, in the city of Boston.

Corporation
to give bonds.

SECT. 6. The said corporation shall, before proceeding under this act to take the lands or flats of other persons, give bonds with satisfactory sureties, to the city of Boston, for the use of the owners of lands so taken, that they will pay all such damages as may be assessed against them, as provided for in the preceding sections.

City of Boston
may hold the
rights, etc.

SECT. 7. The city of Boston may, by vote of the mayor and aldermen, and upon such terms as may be agreed upon between them and the said corporation, take and hold all the rights and powers granted by this act, and construct and maintain, or maintain after they are constructed, the street, bridge and avenue herein authorized: *provided*, that the said city, in case of such transfer, shall be subject to the same duties as are imposed by this act upon the corporation aforesaid: and before such transfer the said city shall not be liable for damages by reason of any defect or want of repair therein.

Provided.

Corporation
to give bond
to raise draw.

SECT. 8. Before commencing the construction of the bridge aforesaid, the said corporation shall give bonds, with satisfactory sureties, to the attorney general of this commonwealth, in the penal sum of ten thousand dollars, that the draw in the same shall be properly raised for the passage of vessels by night and by day, until such time as the said bridge may be transferred to, and accepted by, the city of Boston.

Corporation
may lay railroad
track.

SECT. 9. The said corporation may, with the consent and under the direction of the mayor and aldermen of the city of Boston, construct and maintain a double railroad track through the whole or any part of the said avenue, bridge and street, to Sea street, and thence to the Boston and Worcester Railroad, which track shall be used for horse power only, and not for steam-engines, and may be connected with and worked by the Boston and Worcester Railroad Corporation and by this corporation, upon such terms as may be agreed upon between them.

Avenue to be
toll free.

SECT. 10. The said avenue, bridge and street, shall be open to the public for travel, free of toll; but the railroad tracks provided for in this act shall be used only with the consent of this corporation, or those who may succeed to their rights in the same, and upon such terms as may be agreed upon.

Hold and convey
real estate.

SECT. 11. The said corporation may purchase, hold and convey, such real and personal property as may be necessary for the purposes authorized by this act.

Bay state iron
company may
cross avenue.

SECT. 12. The Bay State Iron Company may extend their present railroad tracks to their own premises in South Boston, across the avenue of this corporation.

SECT. 13. The said street, bridge and avenue, with all their respective abutments, draws, and draw piers, and sluiceways, shall be constructed under the direction and to the satisfaction of a commissioner to be appointed by the governor and council, and to be paid by the said corporation; and the said corporation shall keep the same, together with the said railroad tracks, in good repair and safe condition, and shall open the said draws, and afford all proper and convenient accommodations to vessels having occasion to pass the same, by day and by night.

Governor
to appoint
commissioner

SECT. 14. The capital stock of the said corporation shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each; and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares which shall be first issued.

Capital stock
\$200,000.

SECT. 15. If the said street, bridge and avenue, shall not be completed within three years from the passage of this act, then this act shall be void. [Approved by the Governor, April 28, 1853.]

To be completed
in three years
or act void.

An Act concerning the Rights of Pew Owners.

Chap. 256

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The thirty-seventh section of the twentieth chapter of the Revised Statutes shall be amended, by inserting after the words "to take down any pews therein," the words, or to sell said church or house without taking down any pews therein, for the purpose of building a new church or house for the use of said parish or society. [Approved by the Governor, April 29, 1853.]

Act amended.

An Act concerning Partition of Real Estate.

Chap. 257

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. In any proceedings for partition of the estate of a deceased person before the probate court, under the provisions of the one hundred and third chapter of the Revised Statutes, where it shall appear to the court, either by the petition for partition or otherwise, that any estate, remainder or interest is or may be limited or devised to any person or persons not in being at the time of filing such petition, the court shall appoint a suitable and disinterested guardian for the suit for such person or persons, to appear for and defend his or

Probate court
shall appoint
guardian in
certain cases
of partition.

Whose partition
shall be
conclusive.

their interest, in the same manner as a guardian is admitted for an infant, under the provisions of section 54 of said chapter,—and the partition made in such case shall be conclusive, upon all persons to whom such estate, remainder or interest is limited or devised, in the same manner as if they had been in being, and had appeared and answered in the case or assented to such partition.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1853.*]

Chap. 258 An Act concerning the Stoneham Branch Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time extended
three months.

SECT. 1. The time allowed for the filing of the location of the Stoneham Branch Railroad, by an act passed in the year one thousand eight hundred and fifty-two, is hereby extended for the period of three months from the first day of May, eighteen hundred and fifty-three.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1853.*]

Chap. 259 An Act concerning Insane Persons confined in Houses of Correction.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provisions of
act extended.

The provisions of the first and second sections of the one hundred and forty-fifth chapter of the Revised Statutes, are hereby extended to the cases of insane persons confined in the houses of correction; and the physician attending any house of correction, shall make the report named in said first section, to the master of such house of correction,—and said master shall transmit such report to the judge of probate, in the manner required of jailers in said first section. [*Approved by the Governor, April 29, 1853.*]

Chap. 260 An Act in addition to An Act relating to the Matfield Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act amended.

SECT. 1. The first section of the act relating to the Matfield Manufacturing Company, approved the twenty-fifth day of February, in the year of our Lord eighteen hundred and

fifty-three, is hereby amended by striking out the word “locomotive” from the said section.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1853.*]

An Act to change the Name of the Shelburne Falls Manufacturing Company.

Chap. 261

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Shelburne Falls Manufacturing Company shall here- Name changed
after be called and known by the name of the Lampson &
Goodnow Manufacturing Company. [*Approved by the Gov-
ernor, April 30, 1853.*]

An Act to incorporate the China Mutual Insurance Company.

Chap. 262

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John M. Forbes, Daniel C. Bacon, and George Corporators
B. Upton, their associates and successors, are hereby made a
corporation, for the term of twenty-eight years, by the name
of the China Mutual Insurance Company, in the city of Bos-
ton, for the purpose of making insurance against maritime
losses on the mutual principle, with all the powers and priv-
ileges, and subject to all the duties, liabilities, and restrictions, Duties, liabilities,
etc.
set forth in the thirty-seventh and forty-fourth chapters of the
Revised Statutes, and all subsequent laws in force relating to
mutual insurance companies so far as applicable to the corpo-
ration hereby created.

SECT. 2. The said company may appoint agents in foreign Agents in foreign
countries.
countries with power to sign and issue policies, abroad ; and
every policy so issued by any authorized agent of said com-
pany, shall be valid and binding on the said company, in the
same manner as if signed by the president and secretary, and
issued at their office in Boston.

SECT. 3. This act shall take effect from and after its pas-
sage. [*Approved by the Governor, April 30, 1853.*]

An Act relating to the Boston Bagging Company.

Chap. 263

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Bagging Company is hereby authorized to man- May manufacture
india rubber
goods.
ufacture India Rubber Goods, according to the provisions of

chapter one hundred and ninety-five of the acts of the year one thousand eight hundred and fifty-two. [*Approved by the Governor, April 30, 1853.*]

Chap. 264

An Act to incorporate the Day Cordage Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Benjamin Sewall, Moses Day, and Moses Sewall, their associates and successors, are hereby made a corporation, by the name of the Day Cordage Company, for the purpose of manufacturing cordage, twine and bagging, in the city of Roxbury, county of Norfolk ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Duties, liabilities, etc.

Real and personal estate \$150,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real and personal estate necessary and convenient for carrying on the business of said company, not exceeding in amount one hundred and fifty thousand dollars.

No shares to be issued under par.

SECT. 3. No shares in the capital stock of said company shall be issued at less than the par value which may be first fixed upon the same.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1853.*]

Chap. 265

An Act to authorize the Somerset Iron Works Company to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Somerset.

The Somerset Iron Works Company, a corporation duly established by law, is hereby authorized to build and maintain a wharf, from their premises in the town of Somerset, on the west side of Taunton Great River, in front of their upland, and to extend said wharf to the westerly edge of the channel of said river ; and shall have the right to lay vessels at the ends and sides of said wharf, and receive wharfage and dockage therefor : *provided*, said wharf shall be built on piles below low water mark, and shall not obstruct navigation, and that this grant shall in no wise impair the legal rights of any person whatsoever. [*Approved by the Governor, April 30, 1853.*]

Provided.

An Act to authorize the City of Boston to build a Wharf.

Chap. 266

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Boston, owning flats, situated on East Boston. Condor street, in that part of Boston known as East Boston, and lying between and adjoining land and flats, now or lately belonging to Robert G. Shaw, on the westerly side, and Charles J. Hendee on the easterly side of said land and flats, is hereby authorized to build and maintain a wharf on said flats, and to extend it into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed the second day of May, in the year one thousand eight hundred and forty-nine, and shall Right of wharfage. have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, Provided. *however*, that this grant shall not be construed to extend to any flats or land of this commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioner's line:—and *provided also*, that so much of said wharf Provided, etc. as may be constructed below low water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1853.*]

An Act to authorize Parker Burnham, Elias Burnham, and Joseph B. Burnham, to build and maintain the Piers of their Marine Railway in Gloucester Harbor. Chap. 267

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Parker Burnham, Elias Burnham, Joseph B. Burnham, May build pier 245 feet. are hereby authorized to build and maintain the piers of their Marine Railway in Gloucester Harbor, to a pile now driven, which pile is two hundred and forty-five feet southerly from the stone abutment now erected on the eastern pier: *provided*, Provided. said piers shall not obstruct navigation; and that this grant shall in no wise impair the legal rights of any person whatsoever. [*Approved by the Governor, April 30, 1853.*]

Chap. 268

An Act to incorporate the Ashburnham Reservoir Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Charles Winchester, George C. Winchester, George Blackburn, their associates and successors, are hereby made a corporation, by the name of the Ashburnham Reservoir Company; for the purpose of constructing, supporting, and occupying a reservoir of water, by means of dams, in the town of Ashburnham, in the county of Worcester, for the supply of mills situated on the stream below said reservoir: with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.

Powers, duties, etc.

Capital not to exceed \$12,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of ten thousand dollars, and the whole amount of the capital of said company shall not exceed twelve thousand dollars.

Shares not to be issued less than par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1853.*]

Chap. 269

An Act relating to the Levy of Justices' Executions.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Justices' executions, how to be levied.

SECT. 1. Whenever, by any justice of the peace or police court, execution is awarded in favor of the judgment creditor for a sum as damages exceeding twenty dollars, the same shall be so framed as to direct a levy on the land and tenements of the judgment debtor, in the same manner and to the same effect as executions are now awarded by the court of common pleas.

Officer may levy on lands and tenements.

SECT. 2. Any officer to whom such executions shall be delivered for service may levy the same upon lands and tenements of the judgment debtor, and in all things in regard to such levy shall have the same rights, and shall conduct himself in like manner, as if the same execution issued from the court of common pleas: *provided, however*, the record of the execution and levy in the registry of deeds shall be *prima facie* evidence of the regularity of the judgment, and *prior* proceedings in the case in which such execution issued: *provided also*, that nothing in this act shall be construed to au-

Provided.

thorize an attachment on mesne process, of any lands or tenements upon a writ returnable before a justice of the peace or police court. [*Approved by the Governor, May 2, 1853.*]

An Act to increase the Capital Stock of the Fitchburg Railroad Company.

Chap. 270

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Fitchburg Railroad Company may issue five thousand shares of stock, of one hundred dollars each, in addition to their present capital stock: *provided*, that said company shall not sell the said shares under their par value. [*Approved by the Governor, May 2, 1853.*]

Capital increased \$5000.

Provided.

An Act to incorporate the Atlantic Works.

Chap. 271

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Mark Googins, Abijah Miller, Oliver Edwards, William C. Hibbard, Gilman Joslin, James A. Maynard, their associates and successors, are hereby made a corporation, by the name of the Atlantic Works, for the purpose of manufacturing machinery in all its branches, in the city of Boston ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Purpose.

Duties, restrictions, etc.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars: *provided*, that no shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares, which shall be first issued.

Real estate \$50,000.

Whole capital \$200,000.

Provided.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor May 2, 1853.*]

An Act to incorporate the Westville Manufacturing Company.

Chap. 272

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Alexander Hodges, Robert L. Maitland, Aaron B. Belknap, their associates and successors, are hereby made a

Corporators.

Purpose.	corporation, by the name of the Westville Manufacturing Company, for the purpose of manufacturing cotton goods and paper, in the town of Taunton ; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.
Duties, restrictions, etc.	
Real and personal estate not to exceed \$100,000.	SECT. 2. Said corporation may, for the purposes aforesaid, hold real and personal estate necessary and convenient therefor, not exceeding in amount one hundred thousand dollars.
No shares issued less than par.	SECT. 3. No shares in the capital stock of the said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.
	SECT. 4. This act shall take effect from and after its passage. [<i>Approved by the Governor, May 2, 1853.</i>]

Chap. 273

An Act to incorporate the North Adams Lyceum.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.	SECT. 1. James E. Marshall, Harvey Arnold, William E. Brayton, Nathan S. Babbitt, and John F. Arnold, their associates and successors, are hereby made a corporation, by the name of the North Adams Lyceum, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.
Powers, duties, etc.	
Greenville Baptist Society in Leicester.	SECT. 2. The said corporation may erect, maintain, or rent any building, or hall, for the purposes of a lyceum, and for other literary, scientific and educational purposes, in that part of the town of Adams known as North Adams, and for any of said purposes may expend any funds by them held, and may hold real and personal estate to the amount of ten thousand dollars, to be devoted exclusively as aforesaid. [<i>Approved by the Governor, May 2, 1853.</i>]
May hold \$10,000 real and personal estate.	

Chap. 274

An Act to incorporate the Greenville Baptist Society, in Leicester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Greenville Baptist Society in Leicester.	SECT. 1. The society heretofore known by the name of the Baptist Society in Leicester, is hereby made a corporation, by the name of the Greenville Baptist Society in Leicester ; with all the powers and privileges, and subject to all the restrictions and liabilities, incidental to religious societies legally established in this commonwealth.
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SECT. 2. The said society may have power to hold real and personal estate ; the annual income of which, (exclusive of their meeting house and cemetery grounds), shall not exceed two thousand dollars : *provided*, said income shall be appropriated to parochial purposes.

Income not to exceed \$2000, to be appropriated to parochial purposes.

SECT. 3. The said society shall also have authority to hold and manage their cemetery lot adjoining their meeting house, and be entitled to all the privileges, and subject to all the liabilities, incident to cemetery corporations in this commonwealth.

Cemetery lot.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1853.*]

An Act establishing the Salaries of the first and second Clerks in the Office of the Secretary of the Commonwealth. *Chap. 275*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the first day of April, in the year one thousand eight hundred and fifty-three, the first clerk in the office of the secretary of the commonwealth, shall receive a salary of thirteen hundred dollars a year ; and the second clerk in the aforesaid office shall also receive a salary of twelve hundred dollars a year ; and the salaries of said clerks shall be payable quarterly, which said several sums shall be in full for all services to be rendered in said office. [*Approved by the Governor, May 2, 1853.*]

Salaries established.

An Act concerning the Newburyport, Danvers and Georgetown, and Danvers Railroad Companies. *Chap. 276*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Newburyport Railroad Company, the Danvers and Georgetown Railroad Company, and the Danvers Railroad Company, are hereby authorized and empowered to unite and form one corporation, upon such terms as they shall agree upon, whenever it shall be so voted by each company, at meetings duly notified for that purpose ; and when the said companies shall be so united, the stockholders of each company shall be stockholders in the others, and the three companies shall constitute one corporation under the name of the Newburyport Railroad Company, and the said last mentioned company shall have all the franchises, property, powers, privileges, and remedies, and be subject to all the restrictions and liabilities of each of the said companies respectively, and it shall be lawful for the said last

Permission to unite.

Under the name of Newburyport Railroad Company.

Powers and
privileges.

May receive
subscriptions to
stock of \$40,000.

Provided.

mentioned company to exercise over the whole extent of their railroad the same powers, rights, and privileges, which have been heretofore granted to either of said companies; and until a union, as provided by this act, shall have been effected, the three companies first above named are authorized to contract with each other for the operating of their railroads, and to lease their respective railroads to the others, or either of them, upon such terms as may be agreed upon by the parties. And the said Danvers Railroad Company is authorized to receive subscriptions to its capital stock from the Boston and Maine Railroad Company, or the Eastern Railroad Company, or the Essex Railroad Company, to an amount not exceeding forty thousand dollars: *provided*, that the holders of three-fourths of the stock of the companies so subscribing, present and represented at a meeting called for that purpose, shall consent to the same.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1853.*]

Chap. 277

An Act to incorporate the Malden Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

Purpose.

Powers and
privileges.

Real and person-
al estate not to
exceed \$200,000.

No shares issued
under par.

SECT. 1. John A. B. Cutter, Hamilton Willis, and Robert Farley, their associates and successors, are hereby made a corporation, by the name of the Malden Manufacturing Company; for the purpose of manufacturing cotton, silk, linen, flax, or india-rubber goods, in the town of Malden, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may hold such real and personal estate as may be necessary and convenient for the purposes aforesaid: *provided*, the whole capital stock of said company shall not exceed the sum of two hundred thousand dollars.

SECT. 3. No shares in the capital stock of said company shall be issued at less than the par value which may be first fixed upon the same.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

Chap. 278

An Act to incorporate the Boston Carpet Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Theodore Dunn, Joseph Crawshaw, John W. Candler, their associates and successors, are hereby made a

corporation by the name of the Boston Carpet Company, for the purpose of manufacturing carpets in the city of Roxbury, in the county of Norfolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Boston carpet company in Roxbury.

Duties and liabilities.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred thousand dollars.

Real and personal estate not to exceed \$200,000.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall first be issued.

Shares not to be issued under par.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, May 4, 1853.]

An Act to incorporate the Long Island Steamboat Company.

Chap. 279

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. William A. Hayes, Thomas J. Lobdell, Samuel O. Mead, W. E. Tyler, Charles D. Head, their associates and successors, are hereby made a corporation, by the name of the Long Island Steamboat Company, for the purpose of owning and running a steamboat or steamboats to and from the city of Boston, county of Suffolk, and Long Island, in Boston harbor, and other places in and near the said harbor, for the term of ten years, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Name.

Purpose.

Term of ten years.

Duties and liabilities

SECT. 2. The capital stock of said corporation shall not exceed twenty-five thousand dollars: *provided*, no shares in said corporation shall be issued for a less sum or amount to be paid in on each, than the par value of the shares first issued, and all debts of said corporation shall be paid before the stockholders shall receive any dividends. [Approved by the Governor, May 4, 1853.]

Capital not to exceed \$25,000. Provided.

An Act in addition to An Act to incorporate the New England School of Design. Chap. 280

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The corporation established under the name of the New England School of Design, by an act passed April twenty-

Name changed

third, eighteen hundred and fifty-three, chapter one hundred and eighty-one, shall hereafter be known by the name of the New England School of Design for Women. [*Approved by the Governor, May 4, 1853.*]

Chap. 281 An Act relating to Returns of Justices of the Peace and other Officers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Secretary to
transmit ab-
stracts of
returns, etc.

The secretary of the commonwealth shall annually transmit a printed copy of the yearly abstracts of the returns, mentioned in chapter two hundred and eighty-nine, of the statutes of eighteen hundred and fifty-two, to all the justices of the police courts, district attorneys, sheriffs of the counties, clerks of the courts and town clerks, and all such justices of the peace as shall make returns under said act. [*Approved by the Governor, May 4, 1853.*]

Chap. 282 An Act to incorporate the Eagle Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Eagle fire insur-
ance company
in Boston.

Term of 28 years
Purpose.

Powers and
privileges.

Policies, when
to be issued.

SECT. 1. John N. Barbour, Henry S. Downs, Edmund Chamberlain, their associates and successors, are hereby made a corporation, by the name of the Eagle Fire Insurance Company, to be established in the city of Boston, for the term of twenty-eight years ; for the purpose of insuring dwelling houses and other buildings, and personal property against loss by fire, on the mutual principle ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all subsequent laws of the commonwealth relating to mutual fire insurance companies.

SECT. 2. No policy shall be issued till the sum of one hundred thousand dollars shall have been subscribed to be insured.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

Chap. 283 An Act relating to Town Officers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Town officers to
declare their

SECT. 1. All persons elected or appointed to any town office in which an oath of office is not required, shall be summoned in

the manner provided in the thirty-ninth section of the fifteenth chapter of the Revised Statutes, in the case of officers who are required to take an oath, and shall be required to appear before the town clerk and declare their acceptance or refusal of such office, or to file a declaration in writing thereof with the town clerk, within seven days after such notice ; and the town clerk shall make a record of such acceptances and refusals ; and any person so elected or appointed and summoned, and not exempted by law from holding the office to which he is elected, who shall neglect to declare his acceptance as aforesaid, shall forfeit the sum of five dollars to the use of the town.

acceptance or
refusal within
seven days.

\$5 fine for
neglect.

SECT. 2. Whenever any person elected or appointed to any town office, and duly summoned, shall, in case an oath of office is required, neglect to take such oath before the town clerk, and to file with the town clerk a certificate of his having taken such oath before a justice of the peace within seven days after notice as aforesaid, or, in case such oath is not required, to declare his acceptance as aforesaid within seven days after such notice or shall, within seven days after such notice, declare his refusal of such office, such office shall be deemed thereby to be vacated, and the town may fill such vacancy by a new choice at any other legal meeting. [*Approved by the Governor, May 4, 1853.*]

Vacancies may
be filled by a
new choice.

An Act relating to the Salaries of certain Officers of the State Prison. *Chap. 284*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the first day of July, in the year one thousand eight hundred and fifty-three, the salary of the deputy warden shall be nine hundred dollars, that of the turnkeys shall be seven hundred dollars each, and of the watchmen shall be six hundred and fifty dollars each, per annum, payable quarterly. [*Approved by the Governor, May 4, 1853.*]

Salaries
established.

An Act to establish a Fire Department in the Town of Marlborough. *Chap. 285*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A fire department is hereby established in the town of Marlborough, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act, entitled An Act to regulate Fire Departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine.

Fire department
in Marlborough.

Powers, etc., act
of April 9, 1839.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

Chap. 286 An Act to amend an Act concerning Persons under Sentence of Death

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act amended.

SECT. 1 The first section of the two hundred and seventy-fourth chapter of the statutes of the year one thousand eight hundred and fifty-two, is hereby so far amended, that any person hereafter convicted of any crime punishable with death, shall be sentenced to imprisonment, or to hard labor and imprisonment, either in the county jail or house of correction of the county where such conviction is had, until such punishment of death shall be inflicted, as the court passing such sentence may determine, instead of being sentenced to hard labor in the state prison, as by the said section is provided.

Execution to be within the walls or yard.

SECT. 2. Sentence of death may be executed within the walls or enclosed yard of any house of correction or county jail of the county in which the conviction was had. [*Approved by the Governor, May 4, 1853.*]

Chap. 287

An Act to incorporate the Cambridge Cattle Market.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Cattle market in Cambridge.

SECT. 1. George Meacham, Zachariah B. Porter and N. J. Wyeth, their associates and successors, are hereby made a corporation, by the name of the Cambridge Cattle Market, in Cambridge ; for the purpose of establishing and maintaining a cattle market and fair in the city of Cambridge, near the Porter station of the Fitchburg Railroad Company ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Powers and privileges.

May purchase, hold, and convey land, etc.

SECT. 2. Said corporation may purchase, hold and convey the whole or any part of the tract of land not exceeding twenty acres, with the hotel, buildings and pens thereon, situated in said Cambridge, west of North Avenue, and known as the Cambridge Cattle Market, and may make all necessary and suitable improvements thereon, for the purpose aforesaid.

Capital not to exceed \$200,000, in shares of \$100 each.

SECT. 3. The capital stock of said corporation shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each, and not to be issued for less than their par value actually paid in.

If intoxicating drinks are sold

SECT. 4. If any ardent spirits or intoxicating drinks shall be unlawfully sold by said corporation, or by its lessees, agents,

or servants, upon its premises or in any building therein, then this act shall be void. this act to be void.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

An Act to cede to the United States the Jurisdiction of certain Lands for the Erection of a Light House. *Chap. 288*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The agent of the United States duly authorized for the purpose, may purchase such tract of land as may be found necessary and convenient for the erection and accommodation of the Light House authorized by Congress to be erected at or near the breakwater at Bass river, to contain not more than three acres ; and a description thereof shall be recorded in the registry of deeds, for the county of Barnstable : *provided, however,* that this commonwealth shall and it does hereby retain a concurrent jurisdiction with the United States in and over the said tract, so far that all civil and criminal processes issued under the authority or by any officers of this commonwealth, shall have full force and effect within the said tract of land, or in any building which may be erected thereon, this cession of jurisdiction notwithstanding. [*Approved by the Governor, May 4, 1853.*]

Cession for light house.

Provide as to jurisdiction.

An Act authorizing the Laying Out of a Townway across the North River in Salem. *Chap. 289*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The city council of the city of Salem are empowered, if, in their opinion, public convenience and necessity require the same, to lay out a townway, and cause to be built a bridge across the North River, in Salem, at any convenient place between the north bridge and Carltonville bridge, so called, in said Salem : *provided,* that such way and bridge cross the Essex railroad above grade, leaving a suitable space under the same for the passage of engines and cars. [*Approved by the Governor, May 4, 1853.*]

May construct townway and bridge.

Provided.

Chap. 290 An Act to incorporate the Proprietors of the Quinsigamond House.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. A. F. Smith, C. M. Pratt, Robert Morey, their associates and successors, are hereby made a corporation, by the name of the proprietors of the Quinsigamond House, in New England Village, in the town of Grafton; for the purpose of erecting and maintaining, in said village, buildings necessary and convenient for a public house: with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Public house in Grafton.

Powers, liabilities, etc.

Real and personal estate not to exceed \$30,000.

Provided.

SECT. 2. Said corporation may purchase and hold real and personal property necessary for its use, not exceeding in amount thirty thousand dollars: *provided*, no shares in its capital stock shall be issued for a less amount, to be actually paid in, than the par value of the shares first issued.

Act to be void if ardent spirits are sold.

SECT. 3. If any ardent spirits or intoxicating drinks shall be unlawfully sold by said corporation, or by its lessees, agents or servants, on its premises, or in any building thereon, then this act shall be void. [*Approved by the Governor, May 4, 1853.*]

Chap. 291 An Act to change the Corporate Name of the Fourth Religious Society in Newbury.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

The corporate name of the Fourth Religious Society in Newbury, in the county of Essex, is hereby changed, and said society shall, from and after the passage of this act, be called and known by the name of the Belleville Congregational Society in Newburyport: anything in the act of incorporation granted to said society, in the year eighteen hundred and eight, to the contrary notwithstanding. [*Approved by the Governor, May 4, 1853.*]

Chap. 292 An Act to incorporate the Perkins Mutual Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Joseph S. Hastings, Daniel C. Baker, Elisha Atkins, their associates and successors, are hereby made a cor-

poration, for the term of twenty years, by the name of the Perkins Mutual Insurance Company, to be established in the city of Boston; for the purpose of making maritime loans, and insurance against maritime losses and losses by fire, on the principle of mutual insurance: with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all subsequent statutes of this commonwealth relating to mutual fire and marine insurance companies.

Term of 20 years.
Purpose.

Powers,
privileges, duties,
and liabilities.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

An Act defining a Portion of the Boundary Line between the Towns of Sandisfield and Tolland. *Chap. 293*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The line heretofore conceded to be a portion of the dividing line between the towns of Sandisfield and Tolland, and which is described as follows, to wit:—Beginning at a stone monument on the east bank of Farmington River a short distance southerly of the dwelling house of Elizur Deming, thence north on the west side of the mountain to a monument on the east bank of said Farmington River where said line intersects said river, and north of Hull's Tannery, is hereby established and fixed; and to remove all doubt as to the legality of the doings of all magistrates, and of the municipal action of the inhabitants of that part of Sandisfield which is included within said described line, the same are hereby ratified, confirmed, and taken to be legal and binding upon all persons, to the same extent they would have been legal and binding, if no doubt had existed as to this portion of the boundary line between said towns. [*Approved by the Governor, May 4, 1853.*]

Boundary line
defined.

An Act to incorporate the Boston and Nahant Steamboat Company. *Chap. 294*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Daniel C. Baker, John Alley 3d, Phineas Drew, their associates and successors, are hereby made a corporation, by the name of the Nahant Steamboat Company, for the purpose of owning and running a steamboat or steamboats, for the convenience of the public travel and the transportation of

Corporators.

For ten years.

Powers and duties.

Capital stock \$25,000.
Proviso.

merchandise between Boston and Nahant, for the term of ten years: with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. The capital stock of said corporation shall not exceed the sum of twenty-five thousand dollars: *provided*, no shares in said corporation shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued. And all debts of said corporation shall be paid before the stockholders shall receive any dividends. [*Approved by the Governor, May 4, 1853.*]

Chap. 295 An Act concerning the Powers of Commissioners of Middlesex County in the Towns of Chelsea, North Chelsea, and Winthrop.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Commissioners of Middlesex may order jury in certain cases in Suffolk county.

In all cases where any party is or shall be entitled to a jury in respect to any highway, townway, or private way in Chelsea, North Chelsea or Winthrop, in the county of Suffolk, or in respect to any estimate of damages made by the county commissioners of Middlesex in cases arising in said towns under the twenty-fourth chapter of the Revised Statutes and acts additional thereto, said commissioners shall have the same power as to ordering a jury or agreeing upon a committee, and matters relating thereto, which they now have in like cases in the county of Middlesex; and the warrant for a jury shall be directed to the sheriff of the county of Suffolk, or his deputy, or to a coroner, and thereupon the like proceedings shall be had as are provided in the twenty-fourth chapter of the Revised Statutes for the recovery of damages for laying out highways in other counties than Suffolk. [*Approved by the Governor, May 4, 1853.*]

Chap. 296 An Act to grant Jurisdiction to the United States over certain Lands in Provincetown and Truro.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jurisdiction ceded.

SECT. 1. Jurisdiction is hereby granted to the United States of America over such lands in Provincetown and Truro, as they shall purchase for the sole purpose of transplanting beach grass, making and maintaining brush fences and other suitable improvements for the protection and preservation of Cape Cod Harbor, according to the acts of congress providing

therefor : *provided*, all civil and criminal processes issued under the authority of this commonwealth, or any officer thereof, may be executed on any part of said lands, or in any building which may be erected thereon, in the same manner as if this act had not passed; and *provided also*, that all persons who shall dwell upon said lands shall be deemed to be inhabitants of the towns respectively, in which said lands are situated, and shall there perform the same duties, and have the same rights, as other inhabitants of said towns. Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

An Act to incorporate the Old Colony Historical Society.

Chap. 297

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Nathaniel Morton, Samuel Hopkins Emery, Hodges Reed, Corporators.

their associates and successors, are hereby made a corporation, by the name of the "Old Colony Historical Society," for the purpose of preserving and perpetuating the history of the old colony in Massachusetts, and of collecting and holding documents, books and memoirs, relating to its history : with all Purpose.

the powers and privileges, and subject to all the liabilities, contained in the forty-fourth chapter of the Revised Statutes of this commonwealth. And for the purpose aforesaid may hold Powers, duties, etc.

real and personal estate, to an amount not exceeding fifteen thousand dollars. [*Approved by the Governor, May 4, 1853.*]
May hold real and personal estate to amount of \$15,000.

An Act to incorporate the Cape Cod Machine Company.

Chap. 298

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas Harris, Silvanus B. Phinney, John Munroe, Corporators.

their associates and successors, are hereby made a corporation, by the name of the Cape Cod Machine Company ; for the purpose of manufacturing machinery, in the town of Barnstable, in the county of Barnstable : with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Powers, duties, etc.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount twenty-five thousand dollars. Real and personal estate not to exceed \$25,000.

SECT. 3. No shares in the capital stock of said corporation Shares not to be

issued under par. shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

Chap. 299 An Act to change the Name of the First Universalist Society in Cabotville.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

The society heretofore known by the name of the First Universalist Society in Cabotville, in the town of Springfield, shall, from and after the passing of this act, be called and known by the name of the First Universalist society in Chicopee. [*Approved by the Governor, May 4, 1853.*]

Chap. 300 An Act in addition to the Act incorporating the Boston Episcopal Charitable Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to hold real and personal estate to amount of \$100,000.

SECT. 1. The Boston Episcopal Charitable Society, incorporated on the twelfth day of February, in the year seventeen hundred and eighty-four, are authorized and empowered to hold, for the charitable purposes mentioned in their act of incorporation, personal estate to the amount and value of one hundred thousand dollars.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

Chap. 301 An Act to incorporate the Mattapan Iron Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Stephen M. Allen, Walter Bryant, and James F. Whittemore, their associates and successors, are hereby made a corporation, by the name of the Mattapan Iron Company, for the purpose of manufacturing steam engines and other kinds of machinery, in the city of Boston, county of Suffolk, and in the town of Malden, in the county of Middlesex: with all the powers, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Making steam engines in Boston and Malden.

Duties and liabilities.

Real and personal estate \$300,000.

SECT. 2. Said corporation may hold, for the purposes

aforsaid, real and personal estate, necessary and convenient to operate the same, not exceeding in amount three hundred thousand dollars: *provided*, that no shares in the capital stock of said company shall be issued for a less sum or amount, to be paid in on each share, than the par value of the shares first issued. Provided.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

An Act to extend the Time for locating and constructing the Amherst and Belchertown Railroad. Chap. 302

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The times allowed to the Amherst and Belchertown Railroad Company, for locating and constructing its railroad, are hereby respectively extended one year beyond the periods now fixed by law for the locating and constructing thereof. Time extended one year.
[*Approved by the Governor, May 4, 1853.*]

An Act to incorporate the Pittsfield Hotel Company.

Chap. 303

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. W. B. Cooley, Edwin Clapp, David Campbell, their associates and successors, are hereby made a corporation, by the name of the Pittsfield Hotel Company; for the purpose of erecting, in said town of Pittsfield, buildings necessary and convenient for a public house: with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Corporators.
Purpose.
Powers, duties, etc.

SECT. 2. Said corporation may hold such real and personal property as may be necessary and convenient for the purposes aforsaid, not exceeding in amount thirty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued. And if any ardent spirits, or intoxicating drinks of any kind whatever, shall be sold by said company, or by their agents, lessees or persons in their employ, contrary to law, in any of said buildings, then this act shall be void. Real and personal estate \$30,000.
Provided.
No intoxicating drinks to be sold.
[*Approved by the Governor, May 4, 1853.*]

Chap. 304 An Act to incorporate the Annihilator Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Jonathan Amory, Edward C. Bates, and Edward A. Dexter, their associates and successors, are hereby made a corporation, by the name of the Annihilator Fire and Marine Insurance Company in Boston, for twenty years, for the purpose of making insurance against maritime losses and losses by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other laws in force applicable to the corporation hereby created.

In Boston, for twenty years.

Powers and duties.

Capital of \$100,000.

SECT. 2. Said corporation shall have a capital stock of not less than one hundred thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each, and not to be issued for less than the par value actually paid in, and may hold real estate for its use not exceeding thirty thousand dollars.

Real estate \$30,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

Chap. 305 An Act to regulate the Measurement of Charcoal.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Dimensions of coal measures.

SECT. 1. From and after the first day of July next, in the sale of charcoal, all baskets, tubs, or measures, used in measuring the same, except as hereinafter provided, shall be of a cylindrical form, and of the following dimensions in the inside thereof, to wit: nineteen inches in diameter in every part thereof, and eighteen inches and one-tenth of an inch in depth, measured from the highest part of the bottom thereof; which basket, tub, or measure, shall be deemed to be of the capacity of two bushels, and shall be filled level full: and every such basket, tub, or measure, shall be sealed by a scaler of the town or city in which the person using the same shall usually reside or do business.

To hold two bushels.
To be sealed.

Larger measures to be sealed.

SECT. 2. It shall further be lawful in the sale of charcoal, to measure the same in boxes, bins or cans of the following capacities, to wit:—Of five bushels, ten bushels, twenty bushels, thirty bushels, forty bushels or fifty bushels, such boxes or bins being first lawfully sealed as aforesaid; and five thousand one hundred and thirty-two cubic inches shall be

deemed equal to two bushels, or the level basket or tub described in the preceding section.

SECT. 3. Every person who shall measure any charcoal sold or offered for sale, in any basket, tub, box, bin, vessel or measure, other or of less dimensions than herein described, for such measures respectively, or not scaled as herein provided,—unless by special agreement of the purchaser and seller, shall forfeit a sum not exceeding one dollar for each amount of two bushels of charcoal so measured or pretended to be measured, one-half to the use of the city or town where the offence shall be committed, and the other half to the complainant; and such basket, tub, bin, vessel or measure, shall be destroyed.

Forfeit \$1, and vessel destroyed.

SECT. 4. The mayor and aldermen of any city, or the selectmen of any town, shall appoint one or more suitable persons, to seize and destroy all baskets, tubs, boxes, bins, vessels, or measures, used for measuring charcoal not in accordance with the provisions of this act, and also to prosecute all persons who shall offend against the said provisions.

One or more persons to be appointed.

SECT. 5. All forfeitures mentioned in the preceding sections of this act, may be recovered before any justice of the peace or police court, and any interest which the town or city where such justice may reside, or in which such police court may be established, may have in or in respect to such penalty or forfeiture, shall not disqualify such justice or police court from acting in cases arising under this act.

Forfeitures, how recovered.

SECT. 6. All acts and parts of acts, inconsistent with this act, are hereby repealed. [*Approved by the Governor, May 4, 1853.*]

Inconsistent acts repealed

An Act to cede Jurisdiction to the United States over certain Lands in Great Woods' Hole. *Chap. 306*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Jurisdiction is hereby granted to the United States over such tracts of land in Great Woods' Hole, in Falmouth, as may be necessary for the construction and maintenance of a seawall in the harbor of said Great Woods' Hole; *provided, however,* that the commonwealth shall retain, and it does hereby retain concurrent jurisdiction with the United States, in and over said land, so far that civil and criminal processes issued under the authority of this commonwealth, or any officer thereof, may be executed on any part of said land, or in any building erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid. [*Approved by the Governor, May 4, 1853.*]

Jurisdiction ceded.

Proviso.

Chap. 307 An Act to incorporate the Lee Mutual Fire Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. J. C. Chaffee, Samuel A. Hulbert, Edward Bosworth, their associates and successors, are hereby made a corporation, by the name of the Lee Mutual Fire Insurance Company, in the town of Lee, in the county of Berkshire, for the term of twenty-eight years, for the purpose of insuring dwelling houses, and other buildings, and personal property, against loss by fire, on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all the laws subsequently passed relating to Mutual Fire Insurance Companies.

In Lee,
for 28 years.
Purpose.

Powers, duties,
etc.

No policy issued
until, etc.

SECT. 2. No policy shall be issued till the sum of one hundred thousand dollars shall have been subscribed to be insured.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 4, 1853.*]

Chap. 308 An Act to incorporate the Suffolk Cordage Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Thomas Lewis, Thomas H. Dunham, Stephen M. Allen, their associates and successors, are hereby made a corporation, by the name of the Suffolk Cordage Company, for the purpose of manufacturing rope, twine and other cordage in the city of Boston, or in the town of Dorchester, in the county of Norfolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Purpose.
In Boston or
Dorchester.

Duties and
liabilities.

Real and personal
estate not to
exceed \$100,000.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum, in amount, than the par value of the shares which shall be first issued.

No shares to
be issued under
par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 10, 1853.*]

An Act to incorporate the Myrickville Academy.

Chap. 309

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William Haskins, Obed Mirick and Frederick F. Dewey, their associates and successors, are hereby made a corporation, by the name of the Myrickville Academy, to be established at or near the place called Myrickville, in the town of Taunton, in the county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Myrickville
Academy in
TauntonPrivileges and
liabilities.

SECT. 2. Said corporation may hold real estate to the value of five thousand dollars, and personal estate to the value of fifteen thousand dollars, to be devoted exclusively to the purposes of education. [*Approved by the Governor, May 10, 1853.*]

Real and person
al estate \$20,000
for educational
purposes.

An Act concerning County Debts.

Chap. 310

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The thirty-sixth section of the fourteenth chapter of the Revised Statutes is hereby so far amended, that in addition to the publication of the receipts and expenditures of the several counties, as provided for therein, the county commissioners shall hereafter cause to be published a specific statement of the debts of their respective counties, the purposes for which they were contracted, and the time when they shall become due.

Specific state-
ment of debts,
etc., to be
published.

SECT. 2. No county debt shall be hereafter contracted or authorized by the commissioners of any county in any one year, for any sum exceeding the rate of two thousand dollars for each and every ten thousand inhabitants in such county, without the authority of the general court first obtained for that purpose. [*Approved by the Governor, May 10, 1853.*]

County debts not
to exceed \$2000
per year for each
10,000 inhabi-
tants.

An Act in addition to an Act to incorporate the Midland Railroad Company.

Chap. 311

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Midland Railroad Company are hereby au-

Location
changed.

thorized, and required to change the location of their railroad from the northerly line of First street (extended) in South Boston, to its terminus in Boston, and run the same from the said northerly line of First street, north-easterly and parallel with B. street continued, not exceeding fifteen hundred feet, thence by a suitable curve and straight line to the harbor line established by an act passed on the seventeenth day of March, in the year one thousand eight hundred and forty, on the south-easterly side of Fore Point channel, and above the Eastern avenue bridge, thence in a straight line to some convenient terminus on Sea street in Boston, between Summer street and Wales's wharf; crossing said Fore Point channel as near as may be at right angles with the thread thereof, subject to all the restrictions and liabilities contained in the act incorporating said company, passed the second day of May, in the year one thousand eight hundred and fifty.

May be connect-
ed with other
roads.

SECT. 2. Any railroad chartered by the present legislature, within the city of Boston, may cross said Midland railroad at grade, and be connected, and used therewith according to law.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 10, 1853.*]

Chap. 312 An Act to regulate Agricultural, Horticultural and Ornamental Tree Associations.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Ten or more
persons may
become a
corporation.
Purpose.

Any ten or more persons, in any county, town, or city within the state, who shall, by agreement in writing, associate for the purpose of encouraging agriculture, horticulture, or improving and ornamenting the streets and public squares of any city or town, by planting and cultivating ornamental trees therein, may become a corporation by such name as they shall assume therefor, by calling their first meeting, and being organized in the manner provided in the forty-first chapter of the Revised Statutes, for the incorporation of the proprietors of social libraries and lyceums, and every such association, upon becoming a corporation as aforesaid, shall have, during the pleasure of the legislature, all the like rights, powers, and privileges as the proprietors of such libraries, and may hold real and personal estate, not exceeding ten thousand dollars.

Real and person-
al estate not to
exceed \$10,000.

[*Approved by the Governor, May 10, 1853.*]

An Act to incorporate the Northampton and Shelburne Falls Railroad *Chap. 313*
Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joel Hayden, Ebenezer G. Lamson, Asa How- Corporators.
land, Lewis Bodman, Downing W. Graves, their associates
and successors, are hereby made a corporation, by the name of
the Northampton and Shelburne Falls Railroad Company,
with all the powers and privileges, and subject to all the duties, Powers,
privileges, etc.
liabilities, and restrictions set forth in the forty-fourth chapter
of the Revised statutes, and of the thirty-ninth chapter in that
part thereof relating to railroad corporations, and in all other
general laws which have been or shall be hereafter passed re-
lative to railroad corporations.

SECT. 2. Said company are empowered to locate, construct, May locate
and build a
railroad.
and maintain a railroad, with one or more tracks, from a point
in the town of Northampton, by the most convenient route
through the towns of Williamsburg, Whately, Conway and
Buckland, to the village of Shelburne Falls.

SECT. 3. Said company may contract with the stockholders May contract
with other roads.
of any roads with which it may connect for the merging of the
stock of said roads or for the running and operating of said
roads conjointly, or for leasing of said roads, or for the
hiring of their own road upon such terms as the directors
of said roads may agree, with the assent of the votes of
three-fourths of the stockholders of said respective roads, voting
thereon at a meeting called for that purpose.

SECT. 4. Said company are authorized to construct their May construct
by sections.
road by sections : the first section to extend from the point in
Northampton to a point in Williamsburg ; the second section
to extend from the point in Williamsburg to a point in Con-
way ; the third section to extend from the point in Conway to
the northern terminus in Shelburne Falls.

SECT. 5. The capital stock of said road shall consist of four Capital stock
4,000 shares of
\$100 each.
thousand and eight hundred shares of one hundred dollars each,
and the company may purchase and hold such real and per-
sonal estate as may be necessary for the purposes of its incor-
poration.

SECT. 6. Said company may commence the construction of May commence
construction
when 1,200 shares
are subscribed
and 20 per cent.
paid.
the first section when one thousand two hundred shares of said
capital stock shall have been subscribed for by responsible
parties, and twenty per centum paid on each of said one thou-
sand two hundred shares, and a certificate thereof subscribed
and sworn to by the president and a majority of the directors,
shall be filed in the office of the secretary of the commonwealth. Capital thereof
to be filed with
sec y of state.

Second section,
when to be
commenced.

SECT. 7. Said company may commence the second section whenever an additional one thousand seven hundred shares of said stock shall have been subscribed for by responsible parties, and twenty per cent. paid thereon, and a certificate thereof filed as aforesaid.

Third section,
when to be
commenced.

SECT. 8. Said company may commence the third section whenever an additional one thousand nine hundred shares of said stock shall have been subscribed for by responsible parties, and twenty per cent. paid thereon, and a certificate thereof filed as aforesaid.

To be void if not
located in two
years, and built
in five years.

SECT. 9. If the location of said road shall not be filed within two years, and any of said sections shall not be constructed within five years, the company shall not thereafter be authorized to complete such section or sections. [*Approved by the Governor, May 11, 1853.*]

Chap. 314 An Act to change the Corporate Name of the Trustees of the First Methodist Episcopal Meeting House in Bradford.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

The corporate name of the Trustees of the First Methodist Episcopal Meeting House in Bradford, incorporated in the year eighteen hundred and thirty-eight, is hereby changed, and said corporation shall hereafter be called and known by the name of the Trustees of the First Independent Church in Groveland. [*Approved by the Governor, May 11, 1853.*]

Chap. 315 An Act in relation to the Grades of Certain Streets and Ways.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Abutting owners
to grade land at
their own
expense.

SECT. 1. When any street or way, which now is, or hereafter shall be opened, in any city or town which shall accept this act as hereinafter provided, over any private land, by the owners thereof, and dedicated to, or permitted to be used by the public, before such street or way shall have been accepted, and laid out according to law, it shall be the duty of the owners of the lots abutting thereon, to grade such street or way at their own expense, in such manner as the safety and convenience of the public shall, in the opinion of the mayor and aldermen of any city, or selectmen of any town, require ; and if the owners of such abutting lots shall, after reasonable notice given by the said mayor and aldermen

or selectmen, neglect or refuse to grade such street or way in manner aforesaid, or to close the same from public use, it shall be lawful for the said mayor and aldermen, or selectmen, to cause the same to be graded as aforesaid, and the expense thereof shall, after due notice to the parties interested, be equitably assessed upon the owners of such abutting lots, by the said mayor and aldermen, or selectmen, in such proportions as they shall judge reasonable; and all assessments so made shall be a lien upon such abutting lands, in the same manner as taxes are now a lien upon real estate; *provided always*, that nothing contained in this act shall be construed to affect any agreements heretofore made, respecting any such streets or ways as aforesaid, between such owners and any city or town; *provided, also*, that any such grading of any street or way by the mayor and aldermen, or selectmen, as aforesaid, shall not be construed to be an acceptance of such street or way, by any such city or town, and that the said grading of such street or way, by any such owners, or on such notice or procurement of such mayor and aldermen, or selectmen, shall not be construed to be a dedication to the public use of any such street or way, or any part thereof, by the owner or owners of the same.

In case of refusal to be assessed for expenses of grading.

Provided.

SECT. 2. The mayor and aldermen of any city, or the selectmen of any town, by which this act shall be accepted, are hereby authorized to fix and establish the grade of any street or way mentioned in the first section of this act, before the same is actually graded as therein provided, or of any other street or way not legally accepted, and to cause a plan of such grade to be deposited in the office of the clerk of such city or town; and all those who improve the lots abutting on any such street or way after the grade of it shall have been so established and recorded, shall, in their improvements, either by building or otherwise, conform to said grade, and shall be entitled to no damages for the making of such street or way according to said grade, provided such street or way be actually made within two years after the grade thereof is established and recorded. The establishing and recording of the grade of any street or way as aforesaid, shall not be considered an acceptance of such street or way by any city or town.

Mayor and aldermen or selectmen may establish grades of streets.

SECT. 3. No street or way, mentioned in the first and second sections of this act, shall be dug up, or in any way obstructed in any part thereof, without the consent of the mayor and aldermen of the city, or the selectmen of the town in which such street or way is situated.

Streets or ways not to be obstructed without consent, etc.

SECT. 4. This act shall not take effect in any city or town

When to take effect.

until it shall have been accepted by the city council of such city, or by the inhabitants of such town, at a legal meeting.
[Approved by the Governor, May 11, 1853.]

Chap. 316 An Act to define the Commencement of Suits in Equity in certain cases.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows :

Suits in equity,
when deemed to
have commenced.

SECT. 1. Whenever any bill in equity for the redemption of a mortgage of real estate, shall be inserted in a writ of original summons, the service of such writ shall be deemed the commencement of the suit,—if the writ, or a copy of the same, with or without the bill in equity, but with a description of the premises sought to be redeemed by such bill, attested by the officer to whom such writ shall have been committed for service, shall be deposited within three days after the day on which such service is made, in the office of the clerk of the court to which such writ shall be returnable ; otherwise, the so depositing of such copy or writ shall be deemed the commencement of the suit.

Not to apply to
pending cases.

SECT. 2. This act shall not apply to any cases now pending. [Approved by the Governor, May 11, 1853.]

Chap. 317 An Act to incorporate the Young Men's Rhetorical Society of the City of Worcester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Sidney Clark, Chas. H. Boswell and Frederick G. Hooker, their associates and successors, are hereby made a corporation, by the name of the Young Men's Rhetorical Society of the city of Worcester, for the purpose of promoting the moral, intellectual and social improvement of its members : with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Purpose.

Real and personal
estate not to
exceed \$10,000,
to be held by
trustees.

SECT. 2. The said corporation may hold real and personal estate, to be used for the purposes aforesaid, not exceeding in value the sum of ten thousand dollars ; the legal title of which shall be in five trustees, to be annually elected by a majority of the members of the corporation ; but no act of theirs, in the disposal thereof, shall be valid, unless sanctioned by the votes of a majority of the members of the corporation. [Approved by the Governor, May 11, 1853.]

To be disposed of
by a majority
vote.

An Act concerning the State Lunatic Hospital, at Taunton.

Chap. 318

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The government of the State Lunatic Hospital, at Taunton, shall be vested in a board of five trustees, to be appointed in the same manner, and with the same powers and duties, as are prescribed in the forty-eighth chapter of the Revised Statutes, for the government of the State Lunatic Hospital at Worcester : *except*, that the visitations of the new hospital shall be monthly by two of the trustees, quarterly by a majority of them, and semi-annually by the whole board ; and all the provisions of said chapter concerning the committal, support, and removal of lunatics, and all provisions of subsequent enactment now in force, so far as the same can be made applicable, are hereby extended and made applicable to the management of said hospital at Taunton.

Government of
hospital vested
in five trustees.

Visitations of
the hospital

SECT. 2. The justices of the supreme judicial court or of the court of common pleas, at any term held within and for the county of Bristol, shall have the same powers with reference to the hospital at Taunton that are now given to them at any term held within and for the county of Worcester with reference to the hospital at Worcester.

Powers of justices
of S. J. court and
court of common
pleas.

SECT. 3. The trustees to be appointed under this act shall, when said hospital is completed and ready to receive patients, give notice thereof to his excellency the governor, who shall thereupon direct the removal from the hospital at Worcester, and the transfer to the hospital at Taunton, of such number of the inmates of the former hospital as he shall deem proper ; and at any time thereafter the governor shall cause to be removed from one hospital to the other, such of the inmates of either, as circumstances or the necessities of the case may, in his judgment, require. [*Approved by the Governor, May 11, 1853.*]

Trustees to give
notice to gov-
ernor, who may
order removal of
patients, etc.

An Act for the Equalization of Taxes.

Chap. 319

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All property liable to taxation in this commonwealth shall be assessed at its fair cash value.

SECT. 2. The assessors or other persons empowered to assess the taxes in any town or city in this commonwealth, shall subscribe and take the following oath at the close of the valuation list :—

Assessors to
make oath to
valuation list.

“We, (the assessors, or mayor and aldermen, or county comissioners, as the case may be,) of —, do hereby solemnly swear that the foregoing list is a full and true list of the names of all persons known to us, who are liable to taxation in —, (here insert the name of the town or city), during the present year, and that the real and personal estate contained in said list, and assessed upon each individual in said list, is a full and accurate assessment upon all the property of each individual, liable to taxation, at its full and fair cash value, according to our best knowledge and belief.”

No abatement shall be made until, etc.

SECT. 3. No abatement shall be made of the taxes assessed upon any individual, until he shall have filed with the assessors a list subscribed by him of his estate liable to taxation, and made oath that it is a full and accurate list of the same, according to his best knowledge and belief.

Liable to pains and penalties of perjury for false oath.

SECT. 4. If any person shall wilfully and designedly make and subscribe any false oath, mentioned in this act, he shall be liable to the pains and penalties of perjury.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 11, 1853.*]

Chap. 320 An Act to authorize the South Boston Gas Light Company to extend their Gas-pipes into the Town of Dorchester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend pipes into Dorchester.

SECT. 1. The South Boston Gas Light Company are hereby authorized to extend their gas-pipes or mains, into the streets and public grounds of the town of Dorchester.

May open ground sink pipes, etc., with consent of selectmen of Dorchester.

SECT. 2. Said corporation, with the consent of the selectmen of the town of Dorchester, shall have power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of the said town.

Provided, etc.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 11, 1853.*]

An Act authorizing the Neponset Reservoir Company to increase their Capital Stock. *Chap. 321*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Neponset Reservoir Company, incorporated by an act passed in the year one thousand eight hundred and forty-five, is hereby authorized to increase their capital stock, by adding thereto fifteen thousand dollars ; the whole capital stock not to exceed twenty-five thousand dollars. Said corporation may hold additional real estate to an amount not exceeding in the whole fifteen thousand dollars.

Capital stock increased \$15,000.

May hold additional real estate not to exceed in the whole \$15,000.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 11, 1853.*]

An Act to authorize the City of Cambridge to take Stock in the Cambridge Water-Works, or to loan Money on Pledge of the Stock of said Company. *Chap. 322*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The City of Cambridge are hereby authorized to subscribe for any portion of the stock of the Cambridge Water-Works, and said shares may be paid for in cash or in exchange for bonds of the said corporation, at not less than the par value thereof ; or to loan money to the said company on pledge of their stock.

City of Cambridge authorized to take stock in water works.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 11, 1853.*]

An Act to incorporate the Berkshire Iron Works. *Chap. 323*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Stephen R. Gay, Charles S. Webster, and Cyrus H. Woodruff, their associates and successors, are hereby made a corporation, by the name of the Berkshire Iron Works ; for the purpose of manufacturing iron, in the town of West Stockbridge, in the County of Berkshire ; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Iron works in West Stockbridge.

Powers and liabilities.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purpose aforesaid, to an amount not exceeding thirty thousand dollars : *provided*, that

Real and personal estate not to exceed \$30,000.

Provided.

no shares in the capital stock shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 11, 1853.]

Chap. 324 An Act to extend the Operation of "An Act to authorize the County Commissioners of Berkshire County to pay Expenses of a certain Highway in Franklin County."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act extended
three years.

SECT. 1. The provisions of the two hundred and fifteenth chapter of the laws passed in the year one thousand eight hundred and fifty, are hereby extended for three years from the seventeenth day of April, A. D. 1853.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 11, 1853.]

Chap. 325

An Act for the Correction of the County Maps.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Secretary shall
transmit to
county commis-
sioners corrected
manuscript
copies of county
maps.¹

SECT. 1. The secretary of the commonwealth shall cause copies to be made of the manuscript county maps which have been prepared as required by the act passed April 16, 1846, chap. 241, showing on said copies respectively, the additions and corrections that have been duly authorized ; which copies shall be sent to the several county commissioners to be retained permanently by them for their own use, and for the purpose of making future alterations as required by law.

County maps to
be transmitted
to county com-
missioners for
correction, and
to be returned
within 2 months.

SECT. 2. The secretary of the commonwealth shall, as often hereafter as in his judgment it may become necessary, transmit the manuscript county maps aforesaid to the several county commissioners, in order that they may cause such alterations and corrections as shall have been made, to be transferred thereto, which shall be done under their direction by some competent engineer or surveyor ; and said manuscript maps shall be returned by said commissioners to the office of the secretary within two months after they shall have been so transmitted.

Inconsistent
acts repealed.

SECT. 3. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. [Approved by the Governor, May 11, 1853.]

An Act to incorporate the Cape Cod Mutual Fire Insurance Company. *Chap. 326*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Giles Pease, Jonathan Leonard, Russell Fish, Mutual insurance company in Sandwich. their associates and successors, are hereby made a corporation, by the name of the Cape Cod Mutual Fire Insurance Company, in the town of Sandwich, in the county of Barnstable, for the term of twenty-eight years, for the purpose of insuring Term of 28 years. Purpose. dwelling houses and other buildings, and personal property within this commonwealth, against loss by fire, on the mutual principle ; with all the powers and privileges, and subject to Privileges and liabilities. all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

SECT. 2. No policy shall be issued until the sum of one hundred thousand dollars shall be subscribed to be insured. When policies may be issued.
[*Approved by the Governor, May 11, 1853.*]

An Act to extend the Time for paying in the Capital Stock of the Globe Insurance Company. *Chap. 327*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time within which the capital stock of the Globe Insurance Company is by law required to be paid in, is hereby extended to the thirteenth day of April, in the year one thousand eight hundred and fifty-four. Time extended for paying in capital stock. [*Approved by the Governor, May 11, 1853.*]

An Act changing the Time for holding the Annual Meeting of the Boston and Providence Railroad Corporation, and for other purposes. *Chap. 328*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The annual meeting of the Boston and Providence Railroad Corporation shall, from and after the present year, be holden on the second Wednesday of January, instead of the first Wednesday of June, as is by law now provided. Time for holding annual meeting changed.

SECT. 2. The location of the branch road leading from the toll-gate station through West Roxbury to Dedham, filed in the clerk's office of the county of Norfolk in July, one thousand eight hundred and fifty-one, is hereby declared to be as valid and effectual to all intents and purposes, as if the same had been filed in said office within the time provided in Time of filing location made valid.

the statute authorizing the construction of said branch road.
[Approved by the Governor, May 11, 1853.]

Chap. 329 An Act to incorporate the Phenix Mutual Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. Samuel S. Perkins, J. B. Bridgman, James M. Keith, their associates and successors, are hereby made a corporation, by the name of the Phenix Mutual Fire and Marine Insurance Co., to be established in the city of Boston, for the term of twenty-eight years, for the purpose of insuring against maritime losses and losses by fire on the mutual principle of extra hazardous risks, such as cotton and woollen mills, carpenter and cabinet shops, tub and pail factories, sash and blind factories, oil factories, glass factories, match factories, batting and wadding mills, chemical works, and also extra hazardous marine risks, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all laws subsequently passed relating to mutual insurance companies. [Approved by the Governor, May 11, 1853.]

Term of 28 years.

Powers, duties, etc.

Chap. 330 An Act to authorize John Kenney, Thomas Kendrick, and their associates, to build a Wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Harwich. John Kenney, Thomas Kendrick, and their associates, are hereby authorized to build a wharf from their land adjoining Pleasant Bay, in Harwich, and to extend the same six hundred feet into said bay ; and shall have the right to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor ; and said wharf shall be built on piles below low-water mark : *provided* this grant shall not impair the legal rights of any person. [Approved by the Governor, May 11, 1853.]

Right of wharfage. Proviso.

Chap. 331 An Act to incorporate the North Egremont Aqueduct Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. William W. Stillman, Henry Dewey, and Ephraim Baldwin, of Egremont, their associates and successors, are

hereby made a corporation, by the name of the North Egremont Aqueduct Company, for the purpose of supplying the inhabitants of the village of North Egremont with good water ; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal estate for the purpose aforesaid, not exceeding in amount the sum of five thousand dollars.

SECT. 3. The said corporation may take, hold, and convey into the main streets of the said village, and the other streets leading out of and parallel to the same, the waters of the spring situated on the land of Daniel Messenger, about forty rods west of said village ; and may take and hold land necessary for laying and maintaining aqueducts, reservoirs, and fountains, and may take the right to the land on which the said spring is situated. The said corporation shall, within sixty days from the time of taking any lands or springs, file in the office of the registry of deeds for the southern district of Berkshire, a description of the lands or springs so taken, as certain as is required in a common conveyance of land, and a statement of the purpose for which they are taken, signed by the president of said corporation. Nothing in this act contained shall affect any suits or actions now pending in any of the courts of the commonwealth.

SECT. 4. The said corporation may make aqueducts from the aforesaid source, through said village, and may maintain the same by suitable works ; may make reservoirs and hydrants, and may distribute the waters throughout said village by laying down pipes, and may establish rents therefor ; and the said corporation may enter upon and dig up any road, under the direction and by the consent of the selectmen of the town of Egremont, for the purposes aforesaid ; and the said corporation, after opening the ground in said streets and highways, shall be held to put the same in repair, under the penalty of being prosecuted for a nuisance.

SECT. 5. All damages sustained by taking land, water, or water rights, or by making aqueducts, reservoirs, or other works, shall be ascertained, determined, and recovered, in the same manner as now provided in cases where land is taken for highways ; and no diversion of any nature, or construction of any work by said corporation, shall be commenced until all damages shall have been ascertained or agreed upon, and paid to the person or persons damaged thereby.

SECT. 6. Any person who shall maliciously divert the water, or any part thereof, or the sources thereof, which shall

Purpose.

\$5000 of real and personal estate.

Corporation may convey water, etc.

May take and hold land.

Description of land taken to be filed within, sixty days.

Power to dig up road, lay pipes, etc., with consent of selectmen.

Held to put same in repair.

Damages, how ascertained and recovered.

Penalty for injuring aqueduct, etc., and how recovered.

be taken by the said corporation, pursuant to the provisions of this act, or who shall destroy or injure any reservoir, aqueduct, pipes, hydrants, or other property, held, owned, or used by said corporation for the purposes aforesaid, or who shall corrupt the said waters, or render the same impure, shall pay to the said aqueduct company three times the amount of the damages so done, to be recovered by any proper legal action ; and any such person, on conviction of either of the malicious acts aforesaid, may be punished by a fine not exceeding one hundred dollars, or imprisoned in the house of correction not exceeding six months.

How punished.

No shares to be issued under par.

SECT. 7. No shares in the capital stock of said company shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

SECT. 8. This act shall take effect on and after its passage. [*Approved by the Governor, May 11, 1853.*]

Chap. 332

An Act to incorporate the Crystal Lake Water Works.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Francis G. Macy, George Odiorne, Langdon Coffin, Isaac Story, Jr., J. W. Clark, their associates, successors and assigns, are hereby made a corporation, by the name of the Proprietors of the Crystal Lake Water Works ; for the purposes of constructing, establishing and maintaining an aqueduct or water works, in the town of Chelsea, and in one or more towns in the counties of Middlesex and Essex, and obtaining, using and distributing water, and supplying the inhabitants with the same for domestic and other uses : with all the rights, privileges and powers, and subject to all the duties and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Name.

Purposes.

Rights, duties, etc.

Corporation not to take lands, etc., without consent of selectmen or other authorities.

SECT. 2. Nothing herein contained shall be construed to authorize said corporation to take any land or materials, pond or water course, without the consent of the owners or occupiers thereof, nor to dig up or open any street, town or county road, for the purpose of placing, repairing, maintaining their aqueduct, mains, pipes or works therein, or extending the same, without the consent of the selectmen, county commissioners or other authorities having jurisdiction in relation to said streets, town or county roads.

SECT. 3. Said corporation may be lawfully seized and possessed, hold and improve such real estate, including ponds,

May hold real estate conven-

springs, water courses, water rights and privileges, as may be necessary or convenient for the purposes of said corporation, not exceeding in value two hundred and fifty thousand dollars; and the whole capital stock of said corporation shall not exceed five hundred thousand dollars.

ient, etc., not exceeding \$250,000.

Capital stock \$500,000.

SECT. 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be paid in on each than the par value of the shares first issued.

No shares to be issued under par.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, May 11, 1853.]

An Act relating to Insurance Companies.

Chap. 333

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. It shall not be lawful for any insurance company, incorporated by a law of this commonwealth, to do business under any other name, style, designation, or title, nor for any other purpose, nor upon any other principle, than is expressed in its charter, and every foreign company doing business as an insurance company in this commonwealth, shall do business only in the proper and legal name of such company, and not by various and different names: and the policies and contracts of insurance issued in writing by any company in this commonwealth, incorporated or not incorporated, shall not be headed or entitled by any other name or title, than its legal name and title.

Insurance companies to do business under their legal name.

SECT. 2. Any person or company offending against the provisions of this act shall, for each offence, forfeit a sum not exceeding five hundred dollars, at the discretion of the court, to be recovered by indictment in any court proper to try the same.

Penalty for offending.

SECT. 3. It shall be the duty of each attorney of the commonwealth in the several counties and districts thereof, upon complaint being made to him of any violation of this act, to cause the same to be presented to the grand jury for investigation and presentment. [Approved by the Governor, May 11, 1853.]

Duty of district attorneys.

An Act to incorporate the Cheney Silk Mills.

Chap. 334

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Ward Cheney, William Frost, J. W. Clark and B. W. Balch, their associates and successors, are hereby made

Corporators.

Cheney silk mills
in Chelsea.

a corporation by the name of the Cheney Silk Mills, for the purpose of manufacturing silk, silk goods, articles composed partly of silk and partly of other materials, and the machinery therefor in the town of Chelsea, and for the purpose of using, improving and disposing of the same or any of them : with all the powers and duties, and subject to all the restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Powers and
liabilities.

Real estate
\$150,000.

SECT. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred and fifty thousand dollars, and the capital stock of said corporation shall not exceed the amount of five hundred thousand dollars.

Capital stock
\$500,000.

No shares issued
under par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 11, 1853.*]

Chap. 335

An Act in addition to an Act relating to Banns of Marriage.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certificates of
intention not to
be issued in
certain cases,
unless, etc.

SECT. 1. No clerk or registrar of any city or town shall issue any certificate of intention of marriage to any male person under the age of twenty-one years, or to any female person under the age of eighteen years, except it be upon the application of the parent, master, or guardian of such person, or with their consent in writing expressed, under a penalty not exceeding one hundred dollars, to be recovered by indictment, to the use of the commonwealth, in any court proper to try the same : *provided*, that if there be no parent, master or guardian, in the state, competent to act, a certificate may be issued without the application or written consent aforesaid.

Clerks may
require sworn
affidavits of age.

SECT. 2. The clerk or registrar of every city or town may require of any person who shall apply for a certificate of intention of marriage, an affidavit, sworn to before some justice of the peace for the county where such application is made, setting forth his or her age, and for the purposes of this act, such affidavit shall be proof of the age of the person to whom such a certificate shall be given. [*Approved by the Governor, May 12, 1853.*]

An Act concerning the Boston, Barre, and Gardner Railroad Corporation. *Chap. 336*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time allowed to the Boston, Barre, and Gardner Railroad Corporation, by an act passed on the twenty-fourth day of April, in the year one thousand eight hundred and fifty-one, for constructing their railroad, is hereby extended to the first day of July, in the year one thousand eight hundred and fifty-six.

Time for constructing road extended to 1856.

SECT. 2. Said corporation is hereby authorized to construct their road by sections :

May construct by sections.

The first section to extend from some convenient point on the Worcester and Nashua Railroad in the city of Worcester, through the towns of West Boylston and Holden, to some convenient point in the town of Princeton.

Description of sections.

First section.

The second section to extend from the northerly end of the first section in the town of Princeton, through the town of Hubbardston, to some convenient point on the Vermont and Massachusetts Railroad in the town of Gardner.

Second section.

The third section to extend from some convenient point on the first section, through the towns of Rutland, Hubbardston, and Oakham, to some convenient point in the town of Barre, all in the county of Worcester.

Third section.

And the said corporation, after it has commenced the construction of the first section, may construct either or both of the second and third sections, or so much of the third section as it may think proper, subject to the provisions hereinafter contained, as to capital stock.

SECT. 3. Said corporation is hereby authorized to enter upon and unite its road by proper turn-outs and switches, and at convenient points in the city of Worcester, with the Worcester and Nashua, the Boston and Worcester, the Providence and Worcester, and the Norwich and Worcester Railroads.

May unite with other roads.

SECT. 4. Said corporation is hereby authorized to lease its road to either of the railroad corporations mentioned in the preceding sections, or to the Vermont and Massachusetts Railroad Company or it may take a lease or leases of portions of any adjoining railroads, upon such terms and conditions as the directors of the contracting corporations may agree upon, subject to the approval of three-fourths, in interest, of the stockholders of each of the contracting corporations present and voting at legal meetings called for that purpose.

Contracts with other roads to be approved by stockholders.

SECT. 5. The said corporation may commence the con-

Construction of

sections, when
to commence.

struction of the first section of their railroad whenever two thousand shares of the capital named in their act of incorporation shall have been subscribed for by responsible parties, and twenty per cent. paid on each of said two thousand shares, and a certificate thereof subscribed and sworn to by the president and a majority of the directors, filed in the office of the secretary of the commonwealth. And said corporation may also commence the construction of either the second or third sections of its railroad, whenever two thousand shares of said stock additional shall have been subscribed for such section, and twenty per cent. paid thereon, and a certificate thereof filed² as hereinbefore provided.

Time for
estimating land
damages, etc.,
extended.

SECT. 6. The time within which application may be made to the county commissioners, to estimate damages for land or property, taken by said railroad corporation, as provided in the Revised Statutes, is hereby extended for three years from the passage of this act, notwithstanding the said corporation may have heretofore filed the location of their said railroad.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 12, 1853.*]

Chap. 337

An Act relating to Artillery Companies.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Position and
rank, how
determined when
acting as
infantry.

SECT. 1. Whenever separate companies of artillery, equipped and acting as infantry, agreeably to the provisions of the 13th section of the 218th chapter of the statutes of 1849, shall be annexed to or incorporated into a regiment or battalion of infantry, for the purpose of parade, inspection, review or camp duty, or whenever several companies of artillery and infantry, belonging to different regiments or battalions, shall be detailed for special duty, and parade together *as infantry*, forming one or more regiments or battalions, then and in either of such cases said companies of artillery and infantry shall be considered as equal in rank, and the position in line of each shall be determined only by the rank and date of commission of the officer in command at the time.

Inconsistent
acts repealed.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 12, 1853.*]

An Act to incorporate the Town of Lakeville.

Chap. 338

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That portion of the town of Middleborough Boundaries. lying within the following boundaries, to wit: beginning at the south-westerly corner of said town, at or in the line of the town of Freetown at an angle; thence running easterly in the line between said Middleborough and the towns of Freetown and Rochester to a point equi-distant between Haskell's Island and Reed's Island, in Great Quitticus Pond; thence running northerly across said Quitticus Pond to a point upon Long Point, so called, five rods easterly from the bridge, at a stake; thence running northerly, through the Narrows in Pockshire Pond to the junction of said pond with Assawampsett Pond; thence running north-westerly, in the said Assawampsett Pond, to Nemasket River, where it runs from said Assawampsett Pond; thence running northerly, down and following the channel of said river, to the bridge of the Cape Cod Branch Railroad, across the same; thence running west, five rods, to an elm tree standing in the north line of said railroad; thence running north, thirty-five degrees west, fifty-four rods, to the north line of John C. Reed's land; thence running in said Reed's line, north, fifty-three degrees west, seventy rods, to the main road; thence running in the same course seven hundred and fourteen rods, to Trout Brook, the line passing a white oak tree near Trout Brook, in Thomas P. Tinkham's land, twenty links to the south thereof; thence running down and following the channel of said brook, to the line of the town of Taunton; thence running southerly and south-westerly, in the line between Taunton and Middleborough, to the line of the town of Freetown, and thence, in the line and between Freetown and Middleborough, to the place of beginning:—is hereby incorporated into a town by the name of Lakeville;—and the inhabitants of said town of Lakeville are hereby invested with all the powers and privileges, and shall be subjected to all the duties and requisitions, of other incorporated towns, according to the constitution and laws of this commonwealth. Powers and duties.

SECT. 2. The inhabitants of said town of Lakeville shall be holden to pay all arrears of taxes legally assessed upon them before the passage of this act, and also their proportion of such state and county taxes as may be legally assessed upon them before the next state valuation, such proportion to be ascertained and determined by the last state valuation of Concerning taxes.

property ; and all moneys now in the treasury of said town of Middleborough, or which may hereafter be received therein from taxes already assessed or directed to be assessed, shall be applied to the purposes for which they were raised and assessed, in the same manner as if this act had not been passed.

Support of
paupers

SECT. 3. The said towns of Middleborough and Lakeville shall hereafter be respectively liable for the support of all such persons who now are relieved or hereafter may be relieved as paupers, whose settlement was gained by or derived from a residence within their respective limits.

Debts.

SECT. 4. The inhabitants of said town of Lakeville shall be holden to pay their just proportion of all debts due from said town of Middleborough, at the time of the passage of this act ; and shall receive their just proportion of the value of all property, real and personal, and of all assets, funds and stocks, now owned by and belonging to the said town of Middleborough ; and if said towns shall not agree in respect to a division of property, funds, stocks, debts, or state or county taxes, or the settlement of any pauper or paupers now supported by said town of Middleborough, the court of common pleas for the county of Plymouth shall, upon the petition of either town, appoint three competent and disinterested persons to hear the parties and award between them ; and their award, or the award of any two of them, being accepted by said court, shall be final.

Division of
property.

Proceedings
in case of
disagreement.

Fisheries, how
regulated.

SECT. 5. The alewife fisheries of the Nemasket River shall be and remain the property of said towns of Middleborough and Lakeville, and the manner of taking said fish, and the whole management of said fisheries, shall be regulated by the selectmen of said towns ; and the proceeds thereof shall be divided between the said towns, in proportion to the number of ratable polls in each respectively, and the respective parts of such proceeds shall be disposed of by said towns respectively, in such manner and for such purposes as each town shall for itself determine and direct.

Disposal of
proceeds.

Fire district
established.

SECT. 6. That portion of the fire district heretofore established by the inhabitants of the village or district of "Middleborough Four Corners," which is within the limits of said town of Lakeville, is hereby taken from said fire district, and the remaining portion of said fire district shall be and remain a fire district, with all the powers and privileges of such districts, and all taxes, heretofore assessed on any of the inhabitants of the original district, shall be collected and applied to the purposes for which they were assessed, in the same manner as if this act had not been passed.

Provisions for

SECT. 7. Said town of Lakeville shall continue to be a

part of the town of Middleborough, for the purpose of elect-
 ing state officers, senators and representatives to the general
 court, representatives to congress, and electors of president
 and vice president of the United States, until the next decen-
 nial census shall be taken, in pursuance of the thirteenth arti-
 cle of the amendment of the constitution; and meetings for
 the choice of said officers shall be called by the selectmen of
 Middleborough, and shall be holden in the town of Middle-
 borough; and the selectmen of Lakeville shall make a true
 list of all persons within their town, qualified to vote at every
 such election, and shall post up the same in said town of
 Lakeville, and shall correct the same as required by law, and
 shall deliver a true copy of the same to the selectmen of Mid-
 dleborough, seven days at least before the day of every such
 meeting or election, to be used thereat.

choice of state
 and federal
 officers.

SECT. 8. Any justice of the peace for the county of Ply-
 mouth may issue his warrant, directed to any principal inhab-
 itant of said town of Lakeville, requiring him to notify and
 warn the inhabitants thereof, qualified to vote in town affairs,
 to meet at the time and place therein appointed, for the pur-
 pose of choosing all such town officers as towns are by law
 authorized and required to choose at their annual meetings,
 and said warrant shall be served by posting up copies thereof,
 attested by the person to whom the same is directed, in four
 public places at least, in said town, and fourteen days at least
 before the time of meeting. The selectmen of Middleborough
 shall, before said meeting, prepare a list of voters in said town
 of Lakeville, qualified to vote at said meeting, and shall
 deliver the same to the person presiding at said meeting,
 before the choice of moderator thereof.

First meeting,
 how called.

SECT. 9. This act shall take effect from and after its pas-
 sage. [*Approved by the Governor, May 13, 1853.*]

An Act to establish the Conway Academy.

Chap. 339

*Be it enacted by the Senate and House of Representatives,
 in General Court assembled, and by the authority of the same,
 as follows :*

SECT. 1. George M. Adams, Asa Howland, John Clary,
 E. D. Hamilton, Otis Child, and James S. Whitney, with their
 associates and successors, are hereby made a corporation, by the
 name of the Conway Academy, in the town of Conway, in the
 county of Franklin, with all the powers and privileges, and
 subject to all the duties, liabilities and restrictions, set forth in
 the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers,
 liabilities, etc.

SECT. 2. Said corporation may hold real and personal

Real and personal

estate \$25,000,
exclusive of
books, etc.

estate to the amount of twenty-five thousand dollars, exclusive of books and apparatus devoted to purposes of education. [*Approved by the Governor, May 14, 1853.*]

Chap. 340 An Act relating to the Separation of the District of Boston Corner from this Commonwealth, and the Cession of the same to the State of New York.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

District of Boston
Corner ceded to
state of New
York.

SECT. 1. Sovereignty and jurisdiction over that portion of the territory of this commonwealth, known as the district of Boston Corner,—situate in the south-westerly corner of this commonwealth, and westerly of the south-west line of the town of Mount Washington, in the county of Berkshire,—is hereby ceded to the state of New York ; with all the powers, privileges, rights and jurisdiction, now exercised over the same by this commonwealth ; subject, however, to the provisions hereinafter expressed ; and *provided*, this act shall not take effect until the congress of the United States shall consent to such cession and annexation, and until the state of New York shall, by an act for that purpose, accept the jurisdiction of the territory hereby proposed to be transferred, upon such terms as shall leave and vest in the courts of this commonwealth authority to take and hold effectual civil and criminal jurisdiction in any cause or matter pending, or which shall have arisen anterior to the issuing of the proclamation hereinafter named ; and this act shall be void, unless such action by the government of the United States and state of New York shall take place within two years from the passage of this act.

Provided.

This act to be
void unless, etc.

Limits and
extent of terri-
tory, how to
be defined.

SECT. 2. For the better defining the limits and extent of the territory above mentioned, his excellency the governor of this commonwealth, shall appoint a suitable person to act in conjunction with proper authorities of the state of New York, who shall forthwith cause an accurate survey and map to be made of the said territory, and shall cause sufficient monuments to be erected in and along the eastern boundary-line of said territory, and shall cause the said map and survey to be duly authenticated and filed in the office of the secretary of this commonwealth, as record evidence of the extent and limits of said grant. But no part of the expense of such survey shall be borne by this commonwealth.

Governor to issue
his proclamation.

SECT. 3. Whenever the governor of this commonwealth for the time being, shall receive official notice of such consent of the congress of the United States, and the acceptance of

the cession aforesaid by the legislature of the state of New York, he shall issue a proclamation declaring the said district of Boston Corner to be a part of the state of New York. [*Approved by the Governor, May 14, 1853.*]

An Act to incorporate the Proprietors of the City Hotel in Worcester.

Chap. 341

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Rejoice Newton, Isaac Davis, Francis H. Kinnicut, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the City Hotel in Worcester, for the purpose of erecting a hotel or boarding-house in the city of Worcester, and maintaining the same and the buildings and appurtenances connected therewith ; and for those purposes shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes : *provided*, that said corporation shall not carry on the business of hotel or boarding-house keeping, or be in any way interested in said business ; and *provided further*, that if any ardent spirits or intoxicating drinks of any kind whatever shall be sold by said company, or by agents, lessees or persons in its employ, in any of said buildings, then this act shall be void.

Corporators.
Hotel in Worcester.
Privileges, liabilities, etc.
Proviso.
No intoxicating drinks to be sold.

SECT. 2. The whole amount of real and personal estate or capital stock, which said corporation may hold, shall not exceed one hundred thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

Capital not to exceed \$100,000.
No shares to be issued under par

SECT. 3. When any stockholder in this corporation shall transfer his stock in this corporation, a certificate of such transfer shall forthwith be deposited with the city clerk of the city of Worcester, who shall note the time when the same was deposited, and record the certificate at full length on the record book of the city ; and no transfer of such stock shall be valid as against the creditors of such stockholder until such certificate shall have been deposited and recorded as aforesaid. [*Approved by the Governor, May 14, 1853.*]

Transfer certificates to be filed and recorded.

Chap. 342 An Act in addition to an Act, to authorize the City of Boston to construct a temporary Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Railroad continued 3 years from Feb. 1, 1853.

SECT. 1. The city of Boston is hereby authorized to continue the temporary railroad, erected under the authority of an act entitled "An Act to authorize the City of Boston to construct a temporary Railroad," passed in the year 1848, during three years from the first day of February in the year 1853 ; subject to all the provisions contained in said act. Except those relating to the removal of mud or earth from the channels on South Bay.

When to take effect.

SECT. 2. This act shall take effect from and after its acceptance by the city council of said city. [*Approved by the Governor, May 16, 1853.*]

Chap. 343 An Act in addition to the Acts concerning Truant Children and Absentees from School.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Police courts of cities to have jurisdiction, etc.

SECT. 1. Any city in this commonwealth may, by ordinance, give jurisdiction of the offences arising under the several laws relating to truant children and absentees from school, to the justices of the police court of such city.

Habitual truants may be punished by commitment, etc.

SECT. 2. Any minor between the ages of six and sixteen years, convicted under the provisions of an act entitled "An Act concerning Truant Children and Absentees from School," passed in the year one thousand eight hundred and fifty, of being an habitual truant, or of not attending school, or of being without any regular and lawful occupation, or of growing up in ignorance, may, at the discretion of the justice of the peace or judicial officer having jurisdiction of the case, instead of the fine mentioned in the first section of said act, be committed to any such institution of instruction, house of reformation, or suitable situation, as may be provided for the purpose under the authority given in said first section, for such time as such justice or judicial officer may determine, not exceeding two years.

This act, when to take effect.

SECT. 3. This act shall take effect in any city, as soon as it may be accepted by the city council of said city, by concurrent vote of the two branches thereof.

Inconsistent acts repealed.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed, as far as the same may relate to cities. [*Approved by the Governor, May 16, 1853.*]

An Act to incorporate the South Bay Company.

Chap. 344

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Uriel Crocker, Eben Jones, and Ellis Gray Loring, their associates and successors, are hereby made a corporation, by the name of the South Bay Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers, duties, etc.

SECT. 2. Said corporation may purchase and hold the whole or any part of the land and marsh, lying at or near the head of the Boston South Bay, between Dorchester Turnpike, the old road from Boston to Dorchester, Cottage Street, Norfolk Avenue, East Street and tide-water ; not exceeding in the whole one hundred and fifty acres, and may grade and otherwise improve the same, and may sell said marsh and land or divide the same, or the proceeds thereof, among the stockholders, after paying all the debts of the corporation, and not otherwise.

May purchase and hold certain lands and marsh.

SECT. 3. The capital stock of said corporation shall not exceed one hundred thousand dollars ; and no shares in the capital stock of said corporation shall be issued for a less amount, to be paid in on each, than the par value of the shares first issued.

Capital stock \$100,000.

No shares issued under par.

SECT. 4. Nothing contained in this act shall authorize said corporation to infringe upon the legal rights of drainage, or any other rights of the city of Roxbury, or of any other corporation or person whatever, or to make or extend any wharf, pier or other structure whatever, into and over tide-water, not now authorized by law.

Not to infringe upon legal rights

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 16, 1853.*]

An Act to increase the Capital Stock of the Tremont Bank.

Chap. 345

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Tremont Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May in the year one thousand eight hundred and fifty-four.

\$250,000 additional capital.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next: and if the persons so objecting, legally represent one fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject to
same restrictions
as original stock.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be
returned to
secretary of
state.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor May 16, 1853.*]

Chap. 346

An Act to increase the Capital Stock of the Plymouth Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

\$50,000 addi-
tional capital.

SECT. 1. The president, directors, and company of the Plymouth Bank in Plymouth are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May in the year one thousand eight hundred and fifty-four.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next; and if the persons so objecting, legally represent one fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject to
same restrictions
as original stock.

SECT. 3. The additional stock aforesaid when paid into said bank shall be subject to the like tax, regulations, restrictions and provisions to which the present capital stock of said bank is now subject.

Certificate to
be returned

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the pres-

ident and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. to secretary of state.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 16, 1853.*]

An Act in addition to an Act entitled An Act to authorize Towns to take Lands for School Houses.

Chap. 347

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The quantity of land that may be taken for a school house lot in the discretion of the selectmen of any town, with the approbation of said town, is hereby extended to so much as it may be necessary to cover with the buildings, in addition to the forty square rods prescribed in the act passed May 1, 1848, chap. 237. [*Approved by the Governor, May 16, 1853.*]

Quantity extended for school house lots.

An Act to incorporate the Rockport Railroad Company.

Chap. 348

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Ezra Eames, John Stimpson, David Babson, Josiah Haskell, Caleb Norwood, and James Haskell, their associates and successors, are hereby made a corporation, by the name of the Rockport Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and the public statutes subsequently passed relating to such corporations. Corporators.

SECT. 2. The said corporation is hereby authorized to construct and maintain a railroad extending from some point near Broadway, so called, in Rockport, in a westerly direction to some convenient point of intersection with the Gloucester Branch Railroad, in the town of Gloucester. Powers and duties.

SECT. 3. The capital stock of said corporation shall consist of not more than two thousand shares of one hundred dollars each, the number of which shall be determined, from time to time, by the directors of said corporation ; and the said corporation may take, purchase, and hold such real estate on the line of said railroad, and may purchase and hold such cars, Location.

Capital stock 200 shares of \$100 each.

engines, and other personal property, as may be necessary and convenient for the purpose of their incorporation.

To be located in two and constructed in four years.

SECT. 4. If the said corporation be not organized, and the location of its railroad filed with the county commissioners of the county of Essex within two years from the passage of this act, or if the said railroad shall not be constructed within four years from the passage of this act, then the same shall be void.

May enter upon and use other roads.

SECT. 5. The said Rockport Railroad Company may enter and unite their railroad with the Eastern Railroad Company's road at the point of intersection therewith, mentioned in the second section, and shall have a right to enter upon and use said Gloucester Branch and said Eastern Railroad according to law.

Authorized to transfer all its property, etc., to Eastern R. R. company.

SECT. 6. The said corporation is hereby authorized and empowered to transfer all its property, rights, and privileges, and franchise under this charter, to the Eastern Railroad Company or its successors, whenever a mutual arrangement may be agreed on to that effect, or said Rockport Railroad Corporation may lease their road and other property to the said Eastern Railroad Company, either for a limited time, or perpetually, as may be agreed on. [*Approved by the Governor, May 16, 1853.*]

Chap. 349

An Act relating to Divorce.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Deserting party authorized to marry again.

In all cases of divorce from the bonds of matrimony for the cause of desertion, the justices of the supreme judicial court, or either of them, may, upon petition filed at the time of granting the divorce, or at any subsequent time, authorize and permit the party so deserting to marry again; and such permission shall remove all disabilities now imposed by law upon such party. [*Approved by the Governor, May 19, 1853.*]

Chap. 350

An Act to equalize and protect the Fishery on the North River, so called, in the County of Plymouth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Permitted to take fish on certain days.

SECT. 1. The inhabitants of the town of Pembroke are hereby permitted to take fish at the weir where they have usually caught them on the North River, so called, or stream leading to the Indian Ponds, so called, in said town, on the

following days in each week: Tuesday, Wednesday, Thursday and Friday, from sunrise on Tuesday to sunset on Friday, inclusive, and at no other time, under a penalty of fifty dollars for each and every day fish are taken from said weir, contrary to the provisions of this act, to be paid by the town of Pembroke as follows, one-quarter part of the said fifty dollars to the person making the complaint, and three-quarters of the same to be paid to the towns of Marshfield, Scituate, and South Scituate, in the proportion to the number of their inhabitants by the census last taken. Penalty.

SECT. 2. No person or persons shall take fish from the stream leading from said North River to the said Indian Ponds, or streams tributary to the North River, excepting at the weir before mentioned, at any time between the tenth day of April and the fifteenth of May inclusive, of each year, under a penalty of twenty dollars for each and every offence, which sum shall be paid as follows: one-half of the twenty dollars to the complainant, and the other half to the said town of Pembroke. Fishing prohibited from April 10th to May 15th, under penalty, etc.

SECT. 3. It shall be lawful for the inhabitants of the several towns situated on said North River, to take fish with ten seines only, in the manner following, to wit: the towns of Pembroke, Scituate, and South Scituate, shall each have the right of disposing at public auction, for their own benefit, of the privilege of catching fish with two seines only, and the town of Marshfield shall have the right of disposing at public auction, for their own benefit, of the privilege of catching fish with four seines only in the river aforesaid. Towns on North River may sell fishing privileges at auction.

SECT. 4. Any person or persons who may by seine or mesh nets, take fish from the said North River, except such persons as have authority under this act, shall each forfeit and pay, for each and every time they so trespass, the sum of twenty dollars, to the town within whose limits the same were taken. Penalty for taking fish illegally.

SECT. 5. The proprietors of any and all mills located on the North River, and streams leading from said North River to the said Indian Ponds, so called, in the county of Plymouth, shall take up the wasteways of said mills in each year, on or before the tenth day of April, and keep the same up to the fifteenth day of May following, that the fish shall not be obstructed in their passage to the said Indian Ponds from the said North River; and in the neglect or failure of a proprietor of any mill to take up the wasteways, so called, and keep the same up for the before mentioned time, he shall forfeit and pay, for each and every day of such neglect, the sum of one hundred dollars, to the towns of Marshfield, Scituate, South Waste ways to be taken up.

Penalty for neglect or failure.

Scituate, and Pembroke, in the proportion to their number of inhabitants.

Expense of removing obstructions, how apportioned.

SECT. 6. Any expense that may accrue in removing obstructions or clearing the streams leading from the North River to the Indian Ponds, for the preservation of the fish, with the exception of taking up the wasteways of mills, shall be borne by the several towns of Marshfield, Scituate, South Scituate, and Pembroke, in the proportion to their inhabitants, who are hereby permitted to raise money for the same.

Forfeitures, how recovered.

SECT. 7. All penalties and forfeitures under this act may be recovered in any court competent to try the same.

Inconsistent acts repealed.

SECT. 8. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1853.*]

Chap. 351 An Act in addition to the several Acts relating to County Commissioners, and also in relation to Railroads.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows :

Provisions of former act extended so as to embrace land for depot purposes.

SECT. 1. The provisions of the Revised Statutes, chapter thirty-nine, sections fifty-four and fifty-five, are hereby extended to cases of railroads that have been, or shall hereafter be chartered, so that said provisions shall apply to all cases where land is or shall become necessary for depot or station purposes, as well as for the purposes named in said sections.

Provisions of act of 1842, ch. 86, extended.

SECT. 2. The provisions of an act entitled "An Act relating to the Duties of County Commissioners," passed March third, one thousand eight hundred and forty-two, and being chapter eighty-six of the acts of that year, are hereby extended to all cases of railroads that may be hereafter located.

Not exempt from taxation.

SECT. 3. Nothing contained in this act shall exempt any railroad corporation from taxation for land taken or purchased for station or depot purposes, by virtue of this act.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 19, 1853.*]

Chap. 352 An Act concerning the State Pauper Establishments within this Commonwealth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

\$60,000 appropriated.

SECT. 1. That the sum of sixty thousand dollars be, and here-
by is appropriated, which shall be applied by the commission-

ers in relation to paupers having no settlement in this commonwealth, in the manner following, to wit:—

First. The sum of fifteen thousand four hundred and sixty-two dollars and fourteen cents shall be applied to the payment of the excess of contracts entered into, and expenditures made, by said commissioners, over and above the appropriation granted by the act of May 20, 1852. \$15,462 14 for excess of contracts.

Second. The sum of eleven thousand two hundred and twenty-five dollars shall be applied to furnishing and equipping the state pauper building about to be erected in the town of Monson. \$11,225 for furnishing building in Monson.

Third. The sum of eleven thousand two hundred and twenty-five dollars to be applied to furnishing and equipping the state pauper building about to be erected in the town of Bridgewater. \$11,225 for establishment in Bridgewater.

Fourth. The sum of eleven thousand two hundred and twenty-five dollars shall be applied to furnishing and equipping the state pauper building about to be erected in the town of Tewksbury. \$11,225 for establishment in Tewksbury.

Fifth. The sum of five thousand eight hundred and sixty-two dollars and eighty-six cents shall be applied to the construction of sheds and vaults, and other requirements incident to the completion of said pauper buildings. \$5,862 86 for sheds, vaults, etc.

Sixth. The sum of five thousand dollars shall be applied to completing the repairs on the buildings belonging to the commonwealth on Rainsford Island, in Boston harbor, and to furnishing and equipping them for the reception of sick persons, and for the accommodation of proper attendants. \$5000 for completing repairs, etc.

SECT. 2. The treasurer of the commonwealth is hereby empowered, under the direction of the governor, with the advice and consent of the council, to issue scrip or certificates of debt, in the name and behalf of the commonwealth, and under his signature and the seal of the commonwealth, to an amount not exceeding sixty thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually, with warrants for the interest attached thereto, which scrip or certificates shall be redeemable in twenty years from the date thereof, and be deemed a pledge of the faith and credit of the commonwealth; and the said treasurer may, under the direction of the governor, dispose of any portion of said scrip at any price not less than its par value. Treasurer to issue scrip, under direction, etc.

SECT. 3. Whenever either of the three pauper establishments hereinbefore mentioned shall be full of inmates, the superintendent thereof shall report the fact to the inspectors of such establishment, who shall then under the direction of the governor distribute the paupers who cannot be received into Superintendent to report when establishment is full, etc.

the establishment under their charge, among the other state pauper establishments, in such manner as shall be most convenient.

Remaining paupers, how disposed of.

SECT. 4. If in any city or town there shall be remaining any state paupers after the three state institutions for their reception are full, such state paupers shall be placed in the district poor houses, and such city or town shall receive payment for them from the treasury of the commonwealth.

Commissioners may allow authorities of Boston to send sick state paupers to Rainsford Island.

SECT. 5. The board of commissioners of alien passengers shall have authority to allow the city of Boston to send sick state paupers to Rainsford Island, so far as there may be accommodation thereat, not inconsistent with the provisions of section XI of an act entitled "An Act in relation to Paupers having no Settlement in this Commonwealth," passed in 1852.

Governor authorized to draw warrant.

SECT. 6. If said institutions are ready for the reception of inmates before the meeting of the next general court, the governor is hereby authorized to draw his warrant upon the treasury, from time to time, for all expenses incurred in the support of said inmates, until the meeting of the next general court.

Governor may transfer appropriations if found necessary.

SECT. 7. The governor, with the advice and consent of the council, may transfer such portions of the sums appropriated to the several buildings above mentioned, including those on Rainsford Island, as may not be needed, to each and any one of said buildings, when it shall be found necessary for the completion or furnishing thereof.

Inconsistent acts repealed.

SECT. 8. The eighth section of the act of May 20, 1852, in relation to paupers having no settlement in this commonwealth, and all parts of that act, inconsistent with the provisions of this act, are hereby repealed.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1853.*]

Chap. 353

An Act to incorporate the Metropolitan Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John P. Ober, Moses Field Fowler, and Henry N. Hooper, their associates and successors, are hereby made a corporation, by the name and title of the Metropolitan Railroad Company ; with power to construct, maintain and use a railway or railways, with convenient single or double tracks, from such point or points of the city of Roxbury, upon and over the streets or highways therein, to the line separating said city from the

Location of road.

city of Boston, as shall be from time to time fixed and determined by vote of the mayor and aldermen of said city, and assented to in writing by said corporation; and from said line separating said cities, upon and over such street and highways of the city of Boston, to such point or points in said city, as may from time to time be fixed and determined by vote of the mayor and aldermen of said city of Boston, and assented to in writing by said corporation; *provided*, that all tracks of said railroad shall be laid at such distances from the sidewalks in said cities, as the mayor and aldermen thereof respectively shall, in their orders fixing the routes of said railroad, determine to be for the public safety and convenience; *and provided further*, that said road may be constructed wholly within the said city of Boston, if said corporation and the mayor and aldermen of said city shall both so elect; and the written assent of said corporation to any vote or votes of the mayor and aldermen of said cities, prescribing from time to time the routes of said road, shall be filed with the respective clerks of said cities, and shall be taken and deemed locations thereof; *provided further*, that before the location or construction of any track in any street, the mayor and aldermen of said cities, respectively, shall give notice to the abutters thereon, fourteen days at least before the hearing, that they may show cause, if any there be, why said track shall not be so located and constructed; and said corporation shall have power to fix from time to time, such rates of compensation for transporting persons or property thereon as they may think expedient, and be subject to all the duties, restrictions, and liabilities, and entitled to all the rights and privileges prescribed by the forty-fourth chapter of the Revised Statutes.

Proviso.

Provided also.

Provided also.

Notice to be given to abutters.

SECT. 2. Said tracks or road shall be operated and used by said corporation with horse power only, and it shall not connect its track with any other railroad on which other power is used. The mayor and aldermen of said cities, respectively, shall have power at all times to make all such regulations as to the rate of speed and mode of use of said tracks as the public convenience and safety may require.

To be operated by horse power only.

SECT. 3. Said corporation shall maintain and keep in repair such portion of the streets respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of its agents and servants, in the management, construction or use of said tracks or roads, and, in case any recovery shall be had against either of said cities, by reason of such defect, want of repair or use, said corporation shall be liable to pay to said cities, respectively, any sums

Corporation to keep streets in repair.

Liable to cities for damages.

thus recovered against them, together with all costs and reasonable expenditures incurred by said cities, or either of them, in the defence of any such suit or suits, in which such recovery shall be had; and said corporation shall not encumber any portion of the streets not occupied by the said road or tracks.

Penalty for obstructing corporation.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Capital stock \$500,000 in shares of \$50 each.
No shares to be issued under par.

SECT. 5. The capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, to be divided into shares of fifty dollars each; and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares, which shall first be issued.

May hold real estate.

SECT. 6. Said corporation shall have power to purchase and hold such real estate, within said cities or either of them, as may be necessary or convenient for the purposes and management of said road.

Boston and Roxbury may purchase franchise, etc.

SECT. 7. The cities of Boston and Roxbury may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying them therefor such a sum as will reimburse to each person, who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholders thereon.

Grade, etc., to be determined by mayor and aldermen.

SECT. 8. The said road shall be constructed and maintained in such form and manner, and upon such grade and with such gauge as the mayor and aldermen of said cities, respectively, may, in their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation; *provided*, the same shall be assented to by the mayor and aldermen of said cities respectively.

SECT. 9. Nothing in this act shall be construed to prevent the city authorities of either of said cities, from taking up any of the public streets traversed by said railroads, for the purposes for which they may now lawfully take up the same.

Cities to retain certain rights.

SECT. 10. This act shall be void, so far as relates to the right to construct said road in either of said cities, unless the same shall be accepted by the city councils of said cities respectively, and unless the same shall be accepted by said corporation, and ten per cent. of the capital stock thereof paid in, within two years from the passage of this act.

Act to be void, unless accepted, etc.

SECT. 11. The said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature, as are or may be prescribed by law; but not to the other general provisions of law, in relation to railroad corporations.

To make annual returns.

SECT. 12. The existence of said corporation is hereby limited to the period of fifty years from the passage hereof. *[Approved by the Governor, May 21, 1853.]*

Limited to fifty years.

An Act respecting the Watch and Police of the City of Boston.

Chap. 354

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city council of the city of Boston are hereby authorized and empowered to unite by ordinance, the watch and police departments of the said city into one department, and to organize the same, and from time to time to establish regulations therefor, not repugnant to the laws of the commonwealth.

Watch and police department may be united.

SECT. 2. The chief of the police who may be authorized to act by virtue of such ordinance, shall have and exercise all the powers and duties which by the laws now in force may be had and exercised by the head constable of the watch of the city of Boston, and the deputy chiefs of the police, and captains and lieutenants of the police who may be authorized to act by virtue of such ordinance, shall have and exercise all the powers and duties which by the laws now in force may be had and exercised by the constables of the several divisions of the watch of the city of Boston; and the said officers, and the policemen who shall be appointed under the provisions of such ordinance, shall have and exercise all the powers and duties which may be had and exercised either by the watch of the city of Boston, or by the police of the said city, by virtue of the seventeenth chapter of the Revised Statutes of this commonwealth and other existing laws.

Powers and duties of chief of police.

Powers and duties of subordinate officers.

Duties, etc., of
mayor and
aldermen.

SECT. 3. The mayor and aldermen of the city of Boston shall have and exercise all the powers and duties in relation to the officers and policemen mentioned in the second section, which by the laws now in force, they may have and exercise in relation to the watch and watchmen and the police of the city of Boston.

Inconsistent
acts repealed.

SECT. 4. All acts and parts of acts inconsistent herewith, are hereby repealed.

Act to be void
unless, etc.

SECT. 5. This act shall be void, unless accepted by the city council of the city of Boston within sixty days after its passage. [*Approved by the Governor, May 21, 1853.*]

Chap. 355 An Act to exempt the Personal Property of Widows and Unmarried Females from Taxation, in certain cases.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Personal prop-
erty of widows,
etc., exempt
from taxation.

No tax shall hereafter be assessed upon the personal property of any widow or unmarried female, or female minor (whose father is deceased) which was not received by gift, legacy, devise or inheritance, *provided*, that the whole estate, real or personal, of such persons, whose personal property is so exempted from taxation, does not exceed in value the sum of five hundred dollars, exclusive of property exempted from taxation by existing laws of this state. [*Approved by the Governor, May 21, 1853.*]

Provided.

Chap. 356

An Act in relation to Central Bridge.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lowell and
Dracut may
purchase central
bridge.

SECT. 1. The city of Lowell, and the town of Dracut, are hereby authorized to purchase from the proprietors, the bridge over Merrimack River, in Lowell, called the Central Bridge, upon such terms as may be agreed upon between the parties.

When purchased
to be opened
free of toll.

SECT. 2. The city of Lowell and the town of Dracut, are authorized to receive and collect subscriptions in aid of the purchase of the bridge aforesaid, and whenever they purchase the same of the proprietors, it shall be opened free of toll to all persons ; and shall then be maintained and kept in repair, upon such terms and in such a manner as may be agreed upon between the city of Lowell and the town of Dracut.

Lowell may lay
out bridge as a
townway.

SECT. 3. The city of Lowell are hereby authorized to enter upon, take and lay out the Central Bridge aforesaid, as, and for a townway or street, in the manner now provided by

law for laying out townways or streets, in the city of Lowell ; and they shall pay to the proprietors of Central Bridge, and to all other persons injured by such taking or laying out, the damages sustained by them, to be assessed and paid in the same manner as is now provided by law for the assessment and payment of damages occasioned by the laying out of townways or streets in the city of Lowell.

Damages, how to be assessed and paid.

SECT. 4. Nothing in this act shall affect or impair any of the rights which the town of Dracut, or the city of Lowell now have in relation to Central Bridge. [*Approved by the Governor, May 21, 1853.*]

Rights not to be impaired.

An Act to incorporate the Rockport Savings Bank.

Chap. 357

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

J. R. Gott, E. Eames, James Haskell, their associates and successors, are hereby made a corporation, by the name of the Rockport Savings Bank, to be established in the town of Rockport ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this commonwealth, relating to institutions for savings. [*Approved by the Governor, May 21, 1853.*]

Corporators.

Name.

Powers, duties, etc.

An Act to increase the Capital Stock of the Mahaiwe Bank.

Chap. 358

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors and company of the Mahaiwe Bank, in Great Barrington, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

\$50,000 additional capital.

Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next ; and if the persons so objecting, legally represent one fourth part of the present capital stock of said corporation it shall not be entitled to the benefit of this act.

Remonstrance to be in writing.

Additional capital subject to same restrictions as original stock.

Certificate to be returned to secretary of state.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 21, 1853.*]

Chap. 359

An Act concerning the Fitchburg Agricultural Society.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SECT. 1. The Fitchburg Agricultural Society shall, after the passage of this act, be called and known by the name of the Worcester North Agricultural Society, and they are hereby authorized to admit members from the towns in the west part of Middlesex county.

Entitled to receive from state treasury same sum as other societies.

SECT. 2. The said society shall be entitled, on the same terms as other incorporated agricultural societies, to receive annually out of the treasury of the commonwealth such sum as any other agricultural society may receive under the provisions of chapter forty-two of the Revised Statutes, notwithstanding the restrictions of section seven of that chapter. [*Approved by the Governor, May 23, 1853.*]

Chap. 360

An Act concerning the Transit of Alien Passengers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Money paid for landing alien passengers to be refunded if such passengers leave the state within 48 hours after such payment.

SECT. 1. When any master, consignee, or agent, shall have paid to the superintendent of alien passengers, or to the overseers of the poor in any town or city in this commonwealth, the sum of two dollars for the landing of any alien passenger, as required by section fifth of the three hundred and thirteenth chapter of the acts of eighteen hundred and forty-eight, or by section first of the one hundred and fifth chapter of the acts of eighteen hundred and fifty, said sum of two dollars shall be refunded to said master, agent, or consignee, if within thirty days after such payment he shall produce satis-

factory evidence to said superintendent, or to said overseers, that such passenger, for whom said sum was by him paid, left the state within forty-eight hours after such payment, and upon receiving such evidence, it shall be the duty of such superintendent, or overseer, to refund such money, and he shall state the amounts so refunded in his quarterly accounts, and shall not be bound to pay the same into the state treasury : *provided*, that if any alien passenger, for whom the money paid shall have been refunded as above provided, shall at any time return into this state, all the laws relating to alien passengers who have never before been in the state, shall be applicable to such alien passengers, and to any person who shall bring such passenger a second time within the limits of the state.

SECT. 2. The superintendent of alien passengers, or the overseers of the poor, instead of receiving the payment of two dollars aforesaid, may in any case take a bond, with sufficient sureties, for such payment, and on proof that the passengers aforesaid have left the state within forty-eight hours after giving such bond, said superintendent or overseers shall cancel such bonds. Overseers, etc., may take bond and cancel the same.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 23, 1853.*]

An Act to extend the Time for the Location and Construction of the Swift River Railroad. Chap. 361

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time within which the Swift River Railroad Company may avail themselves of their act of incorporation, passed the twenty-fourth day of May, one thousand eight hundred and fifty-one, is extended for the term of two years. Time for location extended two years.

SECT. 2. When the sum of one hundred thousand dollars shall have been subscribed for the construction of that section of said road, extending from Palmer to the village of Enfield, and set apart for that purpose, and twenty per cent. of the par value of each and every share of said one hundred thousand dollars shall have been paid into the treasury of said company, and a certificate thereof shall have been filed in the office of the secretary of the commonwealth, said company may then proceed to the construction of said road ; anything in the thirteenth section of said act of incorporation to the contrary notwithstanding.

SECT. 3. The said railroad company may enter upon and unite their railroad with the Amherst and Belchertown Rail- May enter upon and unite with Amherst and

Belchertown
railroad.

road, at any convenient point, in the towns of Palmer or Belchertown, under the provisions and restrictions of the laws relating to railroads in this commonwealth.

SECT. 4. This act shall take effect from and after its passage.
[Approved by the Governor, May 23, 1853.]

Chap. 362 An Act in addition to an Act relating to the Erection and Use of
Buildings for Stables and Bowling Alleys.

*Be it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the same,
as follows :*

Provisions of act
of 1851 extended.

The provisions of the second section of the three hundred and nineteenth chapter of the acts and resolves of the year eighteen hundred and fifty-one, are hereby revived and extended for the term of nine months from the passage of this act.
[Approved by the Governor, May 23, 1853.]

Chap. 363 An Act to increase the Capital Stock of the Atlas Bank.

*Be it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the same,
as follows :*

§250,000 addi-
tional capital.

SECT. 1. The president, directors, and company, of the Atlas Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine : *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to
be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional
capital subject to
same restrictions
as original stock.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject.

Certificate to
be returned to
secretary of
state

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, May 23, 1853.]

An Act to incorporate the Tremont Improvement Company.

Chap. 364

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John G. Tappan, Daniel Hammond, Lewis W. Tappan, George R. Sampson, John H. Cheever, Sidney B. Morse, Charles McBurney, and Samuel F. Morse, their associates and successors, are hereby made a corporation, by the name of the Tremont Improvement Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers, duties, etc.

SECT. 2. Said corporation may purchase, hold, and convey the whole, or any part, of certain marsh and vacant lands situated partly in Boston and partly in Roxbury, not exceeding one hundred acres, and limited easterly by Lenox Street, in Boston; southerly by Washington Street, in Boston and Roxbury; westerly by Water Street, in Roxbury; northwesterly and northerly by Cabot Street, in Roxbury; and northerly by Tremont Street, in Roxbury and Boston; and may grade, drain, and otherwise improve said lands, and may divide the same, or the proceeds thereof, among the stockholders, after paying all the debts of the corporation, and not otherwise.

May purchase, hold, and convey certain lands.

SECT. 3. Said corporation may, with the consent of the city of Boston and the Boston Water Power Company, make and maintain a drain or drains from the premises aforesaid, through Tremont and Northampton Streets, or the lands of the Boston Water Power Company, to tide water.

May make and maintain drains with consent, etc.

SECT. 4. The capital stock of said corporation shall not exceed three hundred thousand dollars; and no shares in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

Capital stock \$300,000, and no shares to be issued under par.

SECT. 5. Nothing contained in this act shall authorize said corporation to infringe upon the legal rights of drainage, or any other rights of the city of Roxbury or the city of Boston, or of any person or corporation whatsoever.

Not to infringe upon legal rights of others.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1853.*]

Chap. 365

An Act relating to the Harbor of Gloucester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Selectmen may
appoint harbor
master.

To give \$500
bonds.

Duty.

Passage-way of
fifty yards to be
kept open.

Harbor master
shall direct the
anchorage and
removal of
vessels.

Penalty for
obstructing, etc.

Term of duty
limited.

Penalty for
injuring the
navigation of
the harbor.

SECT. 1. The selectmen of Gloucester may annually appoint a harbor master for the harbor of Gloucester, who shall hold the office for one year and until another is appointed in his place, who, before entering on the duties of his office, shall give bonds to the satisfaction of the selectmen of said town in the penal sum of five hundred dollars for the prompt and faithful discharge of the duties of harbor master, with authority to appoint a deputy whenever the selectmen shall deem it necessary, such appointment to be subject to the approval of said selectmen ; and it shall be the duty of said harbor master to enforce all the provisions of this act, concerning the harbor of Gloucester and the anchoring of vessels within the same.

SECT. 2. From the south-western end of Outer Fort Point to the Beacon on Five Pound Island, on the northerly side of the harbor, a passage-way of sufficient width, not less than fifty yards, shall be kept open at all times during the months of August, September, October and November, of each and every year, and no vessel during that period shall be allowed to anchor therein, unless by permission of the harbor master, who shall, in all parts of the harbor, keep the passage open of sufficient width for vessels to pass to and from the wharves in either cove, with safety and convenience.

SECT. 3. The harbor master shall, during the months of August, September, October and November, direct where vessels shall anchor in this harbor, agreeable to the requirements of this act, and order their removal when necessary, at the expense of the owner or master of the same, and any person obstructing the harbor master in the discharge of his duties, whether by refusing to anchor his vessel where, or removing to other anchorage when, directed, shall be liable to a penalty of ten dollars for each offence, to be recovered for the town of Gloucester.

SECT. 4. The duties of the harbor master shall be confined to the months of August, September, October and November of each year.

SECT. 5. Any person who shall throw or deposit in said harbor, or any part thereof, any stone, gravel, sand, or other substance, which shall in any way tend to injure the navigation thereof, or who shall cause the same to be done, shall be liable to a penalty of ten dollars, to be recovered for the benefit of the town of Gloucester.

SECT. 6. The harbor master, when in his judgment the safety of vessels passing in or out of the harbor may demand it, may require the master or owners of vessels at anchor in any part of the harbor of Gloucester, to keep a light at mast-head; and any master or owner refusing compliance shall be liable to a penalty of ten dollars, to be recovered for the town of Gloucester: *provided*, all expenditures under this act shall be paid by the said town of Gloucester.

Vessels to keep a light at mast-head, if required.

Penalty for refusal.

SECT. 7. A printed copy of this act shall be furnished to the master or owners of all vessels entering the port of Gloucester, coming under the provisions hereof. [*Approved by the Governor, May 23, 1853.*]

Copy of this act to be furnished.

An Act relating to the Commutation of Bonds taken by Superintendents of Alien Passengers. *Chap. 366*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The commissioners on aliens and state paupers, appointed under the act of one thousand eight hundred and fifty-one, chapter three hundred and forty-two, are hereby authorized and empowered to commute the bonds taken by superintendents of alien passengers in this commonwealth, in accordance with the provisions of the act of one thousand eight hundred and forty-eight, chapter three hundred and thirteen, upon such terms as in their judgment may promote the interest of the commonwealth.

Commissioners authorized to commute the bonds taken by superintendents etc.

SECT. 2. The accounts of the several cities and towns for support of persons for whom bonds have been taken, which shall be commuted as provided in the first section of this act, and also all accounts for support of persons commuted under the act of one thousand eight hundred and fifty-two, chapter two hundred and seventy-nine, shall, after being examined by said commissioners, and allowed by the auditor of accounts, be paid from the treasury of the commonwealth.

Accounts for support of persons for whom bonds have been taken to be paid from state treasury.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 23, 1853.*]

An Act to authorize the Consolidation of certain Railroad Companies. *Chap. 367*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Either the Fitchburg, Cheshire, and Rutland and Burlington Railroad Companies, or the Fitchburg and Cheshire Railroad Companies, or the Cheshire and Rutland and Bur-

Consolidation of railroad companies.

lington Railroad Companies, are hereby authorized to consolidate their said companies into a single corporation, in the manner prescribed in the following *sections*.

Directors may enter into agreements under seal, prescribing, etc.

SECT. 2. The directors of the companies aforesaid, proposing to consolidate as aforesaid, may enter into an agreement under their respective corporate seals, for the consolidation of their said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the corporation, the number of the directors thereof, being not less than nine, nor more than eighteen in all, the time and place of holding the first election of directors, the day for the annual election of directors, the amount of capital of the new corporation, which shall not exceed the aggregate amount of capital which the several companies, thus consolidated, are authorized to create, the manner of converting the shares of the capital stock in each of said corporations into the shares of such new corporation, the manner of voting, the manner of paying any shareholder that may decline taking shares in the new corporation; and may agree, that for the purpose of accomplishing the consolidation, and the payment of debts and other necessary purposes, the consolidated company may issue preferred stock to an amount not exceeding half the amount of its capital stock, to take the place of an equal amount of the common stock, which it is authorized to have as aforesaid, and to define the rate of dividend thereon, such defined dividend not however to exceed seven per cent. per annum, until the other stock of said company shall secure an equal dividend; which said preferred stock, so to be issued, shall have priority over all other stock, with respect to the dividend to be paid; and may agree upon and prescribe such other details as they may deem necessary to embrace in such agreement, not inconsistent with the laws of the states in which the consolidated railroad shall be situated.

And may issue preferred stock to half amount of its capital, etc.

Which preferred stock shall have priority with respect to dividend.

Agreement of the directors to be sanctioned by a two-thirds vote of stockholders.

SECT. 3. Such agreement of the directors shall not be deemed to be the full agreement of the said corporations so proposing to consolidate, until after it has been submitted to the stockholders of each of said corporations separately, at a meeting thereof, to be called upon a notice specifying the time and place of such meeting and the object thereof, published for at least three successive weeks prior to said meeting, in newspapers in which notices of the annual meetings of said corporations, are usually published, and has been sanctioned and approved by said stockholders, by the vote of at least two-thirds in amount of the stockholders present at such meeting, respectively voting by ballot in regard to such agreement, either in person or by proxy, according to the laws regulating

such voting, of the respective states in which said corporations are situated ; and when such agreement of the directors shall have been sanctioned and approved, as aforesaid, at meetings held as aforesaid, then such agreement of the directors shall be deemed to be the agreement of the said several companies, and a sworn copy of the proceedings of such meetings, made by the clerks thereof respectively, and attached to the said agreement, shall be evidence of the holding and of the action of such meeting in the premises.

SECT. 4. Upon the making and perfecting of said agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the secretary of each of the states in which the road of the consolidated company shall be situated, and immediately upon and after the first election of directors of the new corporation, said corporation shall be merged into the new corporation provided for in the said agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein, only such new corporation shall not have any larger powers than were possessed by the several corporations before consolidation, or be exempt from the performance of any duty which they were respectively liable to perform, but shall possess all the rights, powers and privileges, and be subject to all the liabilities, duties and restrictions, to which they were by law subject, except so far as the same are modified by this act.

Duplicates of agreement to be filed, etc.

Powers of new corporation.

SECT. 5. Upon the election of the first board of directors of the said new corporation, created by the agreement of the several companies, all and singular the rights, franchises and interests of the said several corporations so consolidated, in and to every species of property, real, personal and mixed, and things in action thereunto belonging, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer, and such new corporation shall hold and enjoy the same, together with the rights of every and all other rights of property, franchises and interests, in the same manner, and to the same extent, as if the said several corporations so consolidated should have continued to retain the title, and transact the business of such corporations, and the title and real estate acquired by either of the said corporations shall not be deemed to revert or be impaired by means of such act of consolidation, or anything relating thereto.

Rights, etc., of old corporations to be vested in new corporation.

SECT. 6. The right of creditors of either corporation that shall be consolidated, shall not in any manner be impaired by the act of consolidation, nor shall any liability or obligation for the payment of money now due, or hereafter to become due,

Rights of creditors not to be impaired by act of consolidation.

New corporation
held liable to
pay, etc.

or of any other description, to either of the states in which the road of the consolidated company shall be situated, or to any individual, or any claim or demand for damages for any act done, or neglect suffered by any such corporation, be in any manner released or impaired; but such new corporation is declared to succeed to such obligations and liabilities, and to be held liable to pay and discharge all the debts and liabilities of each of the corporations that shall be consolidated, whether on contract or for misconduct or neglect, either to the states aforesaid or to individuals; and it shall be liable to have an action brought against it to enforce the payment of any money or damages, or the performance of any duty which any corporation consolidated with such new corporation was liable to pay or perform, in the same manner as if such new corporation had itself incurred the obligation or liability to pay such money or damages, or perform such duty; and no suit, action, or other proceeding, pending before any court or tribunal, in which any railroad company, that may be consolidated, is a party, shall be deemed to have abated or discontinued, by reason of any such consolidation; but the same may be prosecuted to final judgment in the same manner as if the said corporation had not become a party to such consolidation, or the said new corporation may be substituted as a party in place of any corporation of which it may be composed, by order of the court in which such action, suit or proceeding may be pending.

Objections to
consolidation to
be filed with
clerk.

SECT. 7. If any stockholder shall, at said meeting of stockholders, or within twenty days thereafter, object in writing, filed with the clerk, to such consolidation, and demand payment for his stock, such stockholder or said new company may, if said consolidation take effect, at any time thereafter within one year, apply to the highest court of the state by which the corporation of which he was a stockholder was chartered, at any term thereof, for the appointment of three persons to appraise the value of such stock. If the court shall be satisfied that reasonable notice has been given of such application, it shall thereupon appoint three persons to appraise the value of such stock, and shall designate the time and place of meeting of said appraisers, and give such directions in regard to the proceedings in said appraisement as shall be deemed proper, and shall also direct the manner in which payment for such stock shall be made to such stockholder. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve, or otherwise. The appraisers shall meet at the time and place designated, and they, or any two of them, after being duly sworn honestly and faithfully to discharge their duties, shall estimate and certify the value of such stocks

Court
shall appoint
three appraisers
and give
directions, etc.

Copies of
the appraisal to
be delivered
to stockholders
and to
the company.

at the time of such dissent as aforesaid, and deliver one copy of their appraisal to the said company and another to the said stockholder. If demanded, the charges and expenses of the appraisers shall be paid by the company. When the corporation shall have paid or tendered the amount of the appraisal, as directed by the court, and expenses aforesaid, such stockholder shall cease to have any interest in said stock, and in the corporate property of said stock, and in the corporate property of said new corporation, and the said stock may be held or disposed of by said corporation.

When corporation shall have paid appraisal, stockholder's interest shall cease.

SECT. 8. Any new corporation, formed agreeably to the provisions of this act, may purchase or hire for a term of years, of the Vermont and Massachusetts Railroad Company, that part of their railroad situated between the Fitchburg Railroad, in Fitchburg, and the Cheshire Railroad, in Ashburnham, together with their depot-grounds, and buildings, at said Fitchburg and Ashburnham, or any part of the same, or may contract with said company for the use of the same, upon such terms and conditions as shall be mutually agreed upon by the parties.

New corporation may purchase or hire of Vermont and Massachusetts railroad company, etc.

SECT. 9. Not less than three of the directors of said new company shall reside in each state through which its railroad shall pass, and any process duly served on any of said directors, in the state in which it shall originate, shall be deemed to be legally served on said corporation. And in the state in which its treasurer or clerk shall reside, such process may be legally served on said treasurer or clerk.

Residence of directors, and service of any process.

SECT. 10. In the event that the companies aforesaid may not be consolidated as aforesaid, authority is hereby given to the Fitchburg Railroad Company to take a lease of the Cheshire Railroad, or to the Cheshire Railroad Company, or to the Cheshire and Rutland and Burlington Railroad companies, to take a lease of the Fitchburg Railroad, upon such terms and conditions as shall be mutually agreed on by the parties; and to the party aforesaid which shall take the lease of the road of the other party aforesaid, authority is also hereby given to purchase or hire of the Vermont and Massachusetts Railroad Company the part of the road described as aforesaid, with their depot-grounds as aforesaid, on such terms and conditions as may be mutually agreed.

In case of failure to consolidate, authority is given, etc.

SECT. 11. All railroad companies, whose railroads are so connected as to form a continuous line with the said consolidated railroad, shall have authority to enter upon and depart from said consolidated railroad, at any point of junction therewith, and to use the same, or any part thereof, according to law; *provided*, that for such use of said consolidated railroad,

Other companies may enter upon and use, etc.

Provided.

the compensation to be paid by any company using the same shall, (unless otherwise agreed by the parties,) be charged according to distance, at the same rate per mile for passengers and freight, as is charged for passengers and freight transported between Boston and the station (northward of the point of junction) on said consolidated railroad, at which said passengers and freight shall be taken or delivered, deducting therefrom such proportion thereof as is charged for cars and depot accommodations, and for loading and unloading, so far as in any case, cars and depot accommodations are not furnished or used, and no expense is incurred for loading or unloading on said consolidated railroad. The said consolidated railroad company, however, in all cases in which their railroad shall be used in connection with other railroads as aforesaid, may make a further charge, not exceeding one half cent per passenger per mile, and one half cent per ton of freight per mile, on all passengers and freight sent to or received from a connecting railroad, and transported on said consolidated railroad for a less distance than twenty-four miles, and may also charge the expense of loading and unloading, so far as the same may be in such case incurred.

When used in connection with other roads may make further charge.

Consolidated company may enter upon and use other railroads, etc.

SECT. 12. The said consolidated company shall have authority to enter upon the railroads of all railroad companies connected as aforesaid, and to use the same or any part thereof according to law; and (unless otherwise agreed) the compensation to be paid by the said consolidated company to the said other companies, shall be in all respects the same as in the foregoing section is required to be paid by the said other companies to the said consolidated company. The said consolidated company may make a special discount from the rates of freight charged in all other cases upon merchandise shipped to or from its terminal points, and such discount shall not affect the arrangement of rates of freight between the several companies: *provided*, that the said consolidated company shall allow the same discount from the rate of freight on merchandise shipped to or from the terminal point of any railroad connected as aforesaid with the said consolidated railroad.

Proviso.

When this act shall be in force

SECT. 13. This act shall be in force as to so much thereof as relates to the Fitchburg and Cheshire Railroad Companies, only when similar and corresponding enactments shall be made by the legislature of New Hampshire, and as to so much as relates to said companies, or either of them, and to the Rutland and Burlington Railroad Company, only when similar and corresponding enactments shall be made by the legislature of Vermont. [*Approved by the Governor, May 24, 1853.*]

An Act to incorporate the Boston Brick Manufacturing Company. *Chap. 368*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William L. Beal, H. B. Wetherell, Nathan Hale, Timothy Tufts and C. A. Boyden, their associates and successors, are hereby made a corporation, by the name of the Boston Brick Manufacturing Company, for the purpose of manufacturing brick, in the town of Somerville, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Name.

Powers,
duties, etc.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount three hundred thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

Real and personal
estate, \$300,000.

No shares issued
under par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

An Act relating to Costs in Civil Actions.

Chap. 369

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

For each term during which any action, complaint or petition shall be pending in the Supreme Judicial Court, Court of Common Pleas, or board of county commissioners, there shall be paid to the clerk of such court, or board, by the plaintiff or petitioner, to be taxable in the bill of costs, a term fee of forty cents, and the same shall be in full of all charges of the clerk in such case, except the entry fee, which shall be one dollar and twenty-five cents, and except for copies of the case, or of any paper relating thereto. [*Approved by the Governor, May 25, 1853.*]

Clerks to receive
term fee of forty
cents, etc.

An Act to incorporate the Hingham Cordage Company.

Chap. 370

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Hawkes Fearing, David Fearing, Thomas F. Whiton, their associates and successors, are hereby made a corporation, by the name of the Hingham Cordage Company,

Corporators.

Name.

Powers, duties,
etc.

for the purpose of manufacturing cordage in the town of Hingham, county of Plymouth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real and personal
estate \$100,000.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars.

No shares issued
under par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

Chap. 371

An Act giving Equitable Remedies in Suits at Law.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Suits which shall
be by action of
contract, etc

SECT. 1. All suits for enforcing and regulating the execution of trusts ; all suits for the specific performance of any written contract ; all suits for contribution, and between persons who are respectively liable for the same debt or demand, and where there are more than two parties having distinct rights or interests, and all suits between copartners, joint tenants and tenants in common and their legal representatives, and between joint trustees, co-executors and co-administrators, shall be by action of contract, setting forth the facts and circumstances of the case, so far as may be necessary, and praying for relief in equity.

Suits which shall
be by action of
tort, etc.

SECT. 2. All suits concerning waste and nuisance, and all suits to compel the re-delivering of any goods or chattels whatsoever, taken or detained from the owner thereof and secreted or withheld so that the same cannot be replevied, shall be by action of tort, in which the plaintiff, in addition to his claim for damages may pray for relief in equity.

Court may
award decrees,
etc.

SECT. 3. In all the foregoing actions in which relief in equity is prayed for, the court, at any time after commencement of process, as well in term time as vacation, may make and award all such decrees, judgments, orders and injunctions ; and issue all such executions and other writs and processes, and do all such other acts as may be necessary or proper to carry into full effect the power to grant such relief. And in all suits to compel the re-delivering of any goods or chattels taken or detained from the owner thereof, the court may make all such temporary orders and decrees in regard to the custody

and preservation of the property as the equity and justice of the case shall require.

SECT. 4. The supreme judicial court shall have exclusive jurisdiction of all the suits mentioned in this act, in which relief in equity is prayed for ; and in addition to the power which said court now has to make rules for regulating the practice in such suits, it shall have power to prescribe the time when affidavits of defence shall be filed ; and to make such rules for practice as may be necessary to carry into effect this act.

Supreme judicial court to have exclusive jurisdiction, etc.

SECT. 5. This act shall have no effect upon any pending action or suit, and shall take effect on the first day of March next. [*Approved by the Governor, May 25, 1853.*]

When this act shall take effect.

An Act to incorporate the Boston Hand Stamp Company.

Chap. 372

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. S. P. Ruggles, F. O. Prince, Gardner Symmes, E. Richmond, their associates and successors, are hereby made a corporation, by the name of the Boston Hand Stamp Company, for the purpose of manufacturing hand stamps in the city of Boston, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

Names.

Powers, duties, etc.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purpose aforesaid to an amount not exceeding one hundred thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

Real and personal estate, \$100,000.

No shares issued under par.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

An Act to authorize the Laying Out of a Highway across Merrimack River between Haverhill and Bradford.

Chap. 373

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The county commissioners of the county of Essex are hereby authorized, (if in their opinion the public necessity and convenience require the same,) to construct as a highway, a bridge across the Merrimack River, at any point between the bridge of the Boston and Maine Railroad, and the bridge of the Haverhill Bridge Company, and to take the ne-

County commissioners may construct as a highway a bridge across Merrimack river.

cessary land for the same and for the avenues thereto. Or they may, in their discretion, lay out a public highway over the present bridge of the said Haverhill Bridge Company, and for that purpose may take or purchase said bridge, and so much of the avenues thereto as are not already public highways, and in each case shall a sufficient draw for the passage of vessels, in the bridge so constructed or taken as a highway, be maintained as a part of said highway.

Draw to be maintained.

SECT. 2. Any person or corporation whose property shall be taken under the previous section, shall be entitled to compensation therefor, to be ascertained and paid in the mode provided by law, when highways are laid out by county commissioners.

County commissioners to assess and apportion expenses.

SECT. 3. The said county commissioners shall have the same authority to assess, apportion, and collect the expenses of so constructing a bridge, or taking said Haverhill Bridge, as they have in case of other highways constructed by them, and the expense of supporting and maintaining the same shall be borne by the laying of tolls upon said bridge, (except for foot passengers,) as the same may be necessary or proper in the judgment of the said county commissioners, at rates of toll not higher than those now by law established over said bridge. And the towns of Haverhill and Bradford, respectively, shall be liable for any damages sustained on that part of said bridge within said towns respectively, as in case of other highways, and shall be reimbursed therefor, together with any cost said town may thereby be subjected to by the said county commissioners, who shall impose tolls thereon for that purpose at the rates herein specified.

Towns of Haverhill and Bradford liable for damages.

Commissioners to receive bond for payment of one fourth of expense.

SECT. 4. Said county commissioners shall not exercise the authority conferred upon them by the first section of this act, until they shall have received a bond or bonds, with sufficient security, to pay one-quarter part of the expense of so constructing the new bridge and its said avenues, or of so taking or purchasing said bridge of said Haverhill Bridge Company. And they are authorized to receive such bonds from any individuals, and in case of default, to sue thereon, in their name of office, in any court competent to try the same.

New bridge not to be constructed if proprietors of Haverhill bridge, etc.

SECT. 5. If the proprietors of said Haverhill Bridge shall, within three months from the passage of this act, at a legal meeting of the corporation called for that purpose, assent that said county commissioners shall lay out a highway over said bridge, on condition that said proprietors be paid its value to the public, regard being had to its location, then said county commissioners shall not construct a new bridge as hereinbefore provided; and if they shall so lay out said bridge of said cor-

poration as a highway, said proprietors shall have the same remedies to recover said value that are provided for owners of land taken as a highway, or said value shall be assessed by three commissioners, to be appointed by the governor and council, if said proprietors shall by vote so elect.

SECT. 6. This act shall not take effect, until the said towns of Haverhill and Bradford, shall, at legal meetings called for the purpose, and within one year from the passage of this act, vote to accept the same: *provided*, that said bridge corporation may signify their assent to the county commissioners under the provisions of the preceding section. And if said highway be not laid out in one of the modes herein provided, within three years from its passage, then this act shall be void.

When this act shall take effect.

Proviso.

Void if not laid out in 3 years.

SECT. 7. The said bridge corporation, in case their bridge shall be laid out as a highway, shall be thereafter discharged from all liabilities to maintain said bridge, and from all claims for damages that may be thereafter sustained. [*Approved by the Governor, May 25, 1853.*]

Bridge corporation not liable for damages, etc.

An Act to incorporate the Spicket Falls Bank in Methuen.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Chap. 374

SECT. 1. Josiah G. White, J. W. Carleton, Josiah Dearborn, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Spicket Falls Bank, to be established in Methuen, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-five, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this commonwealth relative to banks and banking.

Corporators.

Name.

To continue till October, 1875.

Powers, duties, etc.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Capital \$100,000.

Proviso.

SECT. 3. The stock of said bank shall be transferable only at its banking house and on its books.

Transferable.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [*Approved by the Governor, May 25, 1853.*]

Subject to future legislation.

Chap. 375 An Act relating to Additional Sentences in the State Prison.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Laws repealed. All laws now in force providing for additional sentences upon convicts on account of any previous sentence to the state prison in this or any other state, are hereby repealed: *provided* always that this act shall not affect any such additional sentence already passed. [*Approved by the Governor, May 25, 1853.*]

Chap. 376 An Act concerning Insurance.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for false and fraudulent representations. Any person who shall procure any payment, or any obligation for the payment of any premium for insurance, by false and fraudulent representations, or in violation of any law of this commonwealth, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, for each offence. [*Approved by the Governor, May 25, 1853.*]

Chap. 377 An Act in addition to an Act to establish the Fishery in the Agawam and Halfway Pond Rivers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Seines and drag nets forbidden at certain seasons. **SECT. 1.** If any person or persons shall use any seine or drag net for the taking of fish in the Agawam and Half-way Pond rivers between the first day of March and the first day of October, he or they shall each forfeit and pay to the towns of Plymouth and Wareham twenty dollars for each and every offence; and shall also forfeit such seine or drag-net, together with such boat or boats as may be used to work the same.

Penalty.

Forfeitures, how collected. **SECT. 2.** All forfeitures under this act shall be collected in the same manner, and disposed of in the same way, as forfeitures under the act passed February twenty-sixth, eighteen hundred and thirty-eight, to which this is in addition.

County commissioner to open a passageway for fish, if town committee fail so to do. **SECT. 3.** If the committee annually chosen by the towns of Plymouth and Wareham, shall fail by neglect or disagreement to fix the time, and prescribe the manner in which the owner or occupier of any dam on said rivers shall open a sufficient passage for said fish through said dam; then and in

that case, the committee of either town, who may feel aggrieved thereby, may apply to the county commissioners of the county of Plymouth, who, after due notice to the committee of the other town, shall have the same power now vested in said committee to fix the time and prescribe the manner in which the owner or occupier of any dam on said rivers, shall open a sufficient passage for said fish through said dam; and the owner or occupier of any dam on said rivers, who shall fail to comply with the order of said commissioners therein, shall be liable to the same penalties as they are now liable to for failing to comply with the order of said committee, to be recovered in like manner. And said county commissioners shall have the same power which said committee now possess, to open said dam, when neglected as aforesaid. And if either of the county commissioners shall reside in either of the towns of Plymouth or Wareham, his place shall be supplied by one of the special commissioners not resident in either of said towns.

Penalty for failure to comply with order of commissioners.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

An Act to facilitate the Detection, and to prevent the Circulation of Counterfeit Bank Bills. *Chap. 378*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any and every bank now established, or which may be established under the authority of this commonwealth, which shall receive in payment, or upon deposit, or for redemption from any other bank, or from any person or persons, any counterfeit bank bill, shall and may write or stamp upon such bank bill, the words "counterfeit," adding thereto or thereunder the name of the bank, and the initials of its officer, by which such writing or stamp shall be made.

Counterfeit bank bills shall be stamped.

SECT. 2. Any bank note or bill which may have been altered from its original denomination or amount to some other, may in like manner be stamped with the word "altered," in such manner as to give notice of such alteration.

Altered bills to be stamped.

SECT. 3. If any bank or its officer shall by mistake or inadvertence make any such writing or stamp upon a bank note or bill which is not in fact a counterfeit or an altered bill, the bank or its officer shall not be answerable in damages for any sum greater than the actual loss or damage which such

Liable for actual damage only, except for fraudulent stamps.

mistake or inadvertence may produce, except in cases where it appears that the stamp was fraudulently made. [*Approved by the Governor, May 25, 1853.*]

Chap. 379 An Act to incorporate the New England Burnettizing Company.
Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators. SECT. 1. William F. Parrott, H. L. Hazelton, and George P. Tewksbury, their associates and successors or assigns, are hereby made a corporation, by the name of the New England Burnettizing Company, to be located in Chelsea, for the purpose of establishing and maintaining works, at which timber and other articles may be rendered partially or wholly combustible, and more or less free from liability to rot or decay, by means of such apparatus and processes as may be necessary or convenient therefor, and for the purpose of using, improving working or disposing of such articles, works, processes or any of them : with all the powers and duties, and subject to all the restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Name.
Purpose.
Powers, duties, etc.
 SECT. 2. The value of the real estate of said corporation shall not exceed one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars.

Real estate \$100,000.
Whole capital \$300,000.
No shares issued under par.
 SECT. 3. No shares in the capital stock of said corporation shall be issued for a less amount, to be paid in on each, than the par value of the shares first issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

Chap. 380 An Act establishing the Salaries of the Judges of Probate for the Counties of Worcester, Essex, Norfolk, and Plymouth.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salaries established.
 SECT. 1. From and after the first day of July next, the several judges of probate herein named, shall receive for their services, an annual salary as herein specified, that is to say— the judge of probate for the county of Worcester, the sum of seven hundred dollars ; the judge of probate for the county of Essex, the sum of seven hundred dollars ; the judge of probate for the county of Norfolk, the sum of five hundred dollars ; the judge of probate for the county of Plymouth, the sum of four hundred and fifty dollars.

Inconsistent acts repealed.
 SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed. [*Approved by the Governor, May 25, 1853.*]

An Act to incorporate the Stockbridge Hotel Company.

Chap. 381

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. J. D. Adams, C. M. Owen, William Whitney, Corporators. their associates and successors, are hereby made a corporation by the name of the Stockbridge Hotel Company, for the purpose of erecting, in the town of Stockbridge, buildings necessary and convenient for a public house : with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Powers and duties.

SECT. 2. Said corporation may hold such real and personal property as may be necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars : Real and personal estate \$50,000. *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares that shall be first issued. No shares to be issued under par.

SECT. 3. If any ardent spirits, or intoxicating drinks of any kind whatever, shall be sold by said company, or by their agents, lessees, or persons in their employ, in any of said buildings, then this act shall be void. If intoxicating liquors are sold, this act to be void. [*Approved by the Governor, May 25, 1853.*]

An Act to incorporate the Mystic River Works.

Chap. 382

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John C. Blasdel, Willard Sears, John Coe, and Corporators. H. L. Hazelton, their associates and successors, are hereby made a corporation, by the name of the Mystic River Works, for the purpose of manufacturing locomotives, engines, cars, Purpose and other articles of iron or wood, and machinery, in the town of Chelsea, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Powers, duties, etc.

SECT. 2. The said corporation may hold real estate in the towns of Chelsea and Malden, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed in amount three hundred thousand dollars. Real estate \$150,000. Whole capital \$300,000.

No shares
to be issued
under par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall first be issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

Chap. 383

An Act to incorporate the Cambridge Railroad Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Location.

Compensation.

If unable to
agree supreme
judicial court
to appoint three
commissioners.

Proviso.

SECT. 1. Gardiner G. Hubbard, Charles C. Little, and Isaac Livermore, their associates and successors, are hereby made a corporation, by the name of the Cambridge Railroad Company, with power to construct, maintain, and use a railway or railways, with convenient single or double tracks, from such point or points of the city of Cambridge, upon and over the streets or highways therein, as shall be from time to time fixed and determined by vote of the mayor and aldermen of the said city of Cambridge, and assented to in writing by said corporation; and over the roads, estates, and bridges belonging to the Hancock Free Bridge Corporation, to the intersection of the same with the streets of the city of Boston, as shall be, from time to time, fixed and determined by vote of the directors of the Hancock Free Bridge Corporation, and assented to in writing by said corporation, paying said Hancock Free Bridge Corporation such compensation, or tolls, for the right of using said roads, estate, and bridges, as may be mutually agreed upon, or if the respective corporations shall be unable to agree upon the compensation so as aforesaid to be paid, the supreme judicial court, upon the petition of either party, and upon notice to the other party, shall appoint three commissioners, who shall, upon due notice to the parties interested, proceed to determine and fix the rate of compensation or toll. And the award of said commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until they shall have been revised or altered by commissioners so appointed as aforesaid; but no such revision or alteration shall be made by such commissioners within one year after such decision and award shall have been made; and thence upon and over such streets and highways of the city of Boston to such point or points in said city as may, from time to time, be fixed and determined by vote of the mayor and aldermen of the said city of Boston, and assented to in writing by said corporation: *provided, however,* that all tracks of said railroad shall be laid at such distances from the side-

walks in said cities, as the mayor and aldermen thereof respectively, shall in their orders fixing the routes of said railroad determine to be for the public safety and convenience. The written assent of said corporation to any vote or votes of the mayor and aldermen of said cities, and of the directors of the Hancock Free Bridge Corporation, prescribing from time to time the routes of said road, shall be filed with the respective clerks of said cities and corporations, and shall be taken and deemed to be locations thereof; and said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons or property, as they may think expedient, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said tracks or roads shall be operated and used by said corporation with horse power only, and it shall not connect its track with any other railroad on which other power is used. The mayor and aldermen of said cities respectively shall have power at all times to make all such regulations as to the rate of speed and mode of use of said tracks, as the public convenience and safety may require.

SECT. 3. Said corporation shall maintain and keep in repair such portion of the streets and bridges respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants in the management, construction or use of said tracks, roads or bridges; and in case any recovery shall be had against either of said cities or said bridge corporation by reason of such defect or want of repair, said corporation, shall be liable to pay to said cities and said bridge corporation respectively, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by said cities or said bridge corporation, or either of them, in the defence of any such suit or suits in which recovery shall be had, and shall not incur any portion of the streets or bridges not occupied by the said road or tracks.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. If said corporation or its agents or servants shall wilfully and maliciously obstruct any highway or the passing of any carriages over the same, such corpo-

To be operated
by horse power
only.

Corporation to
keep streets in
repair, liable.
etc.

Penalty for
obstructing
corporation.

Penalty if
corporation
shall obstruct.

Capital \$300,000.

No shares less
than par.

May hold real
estate.

Boston and
Cambridge may
purchase
franchise, etc.

Mayor and
aldermen of cities
to determine
grade, etc.

This act shall not
prevent cities
from taking up
streets, etc.

This act shall be
void unless, etc.

Corporation
subject to make
annual returns,
but, etc.

ration shall be punished by a fine not exceeding five hundred dollars.

SECT. 5. The capital stock of said corporation shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each. And no shares shall be issued for a less sum to be actually paid in on each than the par value of the shares which shall first be issued.

SECT. 6. Said corporation shall have power to purchase and hold such real estate within said cities, or either of them, as may be convenient or necessary for the purposes and management of said road.

SECT. 7. The cities of Boston and Cambridge may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation by paying them therefor such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon.

SECT. 8. The said road shall be constructed and maintained in such form and manner, and upon such grade, and with such gauge, as the mayor and aldermen of said cities and the said bridge corporation respectively, may, in their votes, fixing and determining the routes thereof as aforesaid, prescribe and direct, and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation, provided the same shall be assented to by the mayor and aldermen of said cities respectively.

SECT. 9. Nothing in this act shall be construed to prevent the city authorities of either of said cities, or said bridge corporation from entering upon and taking up any of the public streets or bridges traversed by said railroad, for the purpose for which they may now lawfully take up the same.

SECT. 10. This act shall be void so far as relates to the right to construct said road in either of said cities, unless the same shall be accepted by the city councils of said cities respectively, and unless the same shall be accepted by said corporation, and ten per cent. of the capital stock thereof paid in within two years from the passage of this act.

SECT. 11. Said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law, but not to

the other general provisions of law in relation to railroad corporations.

SECT. 12. The existence of said corporation is hereby limited to the period of fifty years from the passage hereof. Limited to fifty years.
[Approved by the Governor, May 25, 1853.]

An Act to increase the Capital Stock of the Hingham Bank.

Chap. 384

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The president, directors, and company, of the Hingham Bank, in Hingham, are hereby authorized to increase their present capital stock by an addition thereto of thirty-five thousand dollars, in shares of seventy dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four. \$25,000 additional capital. Proviso.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next, and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance to be in writing.

SECT. 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said bank is now subject. Additional capital subject to same restrictions as original stock.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the commonwealth. Certificate to be returned to secretary of state.

SECT. 5. This act shall take effect from and after its passage. *[Approved by the Governor, May 25, 1853.]*

An Act concerning the Harbor of Boston.

Chap. 385

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The lines hereinafter described are hereby established as lines of the channel of the harbor of Boston, beyond which no wharf or pier shall ever hereafter be extended otherwise than as is provided in this act, into or over the tide water of the commonwealth. Channel lines established.

SECT. 2. The inner line marked "A," in three parts, on the commissioners' plan hereinafter referred to, begins in South Boston, at a point in the north line of Fourth Street, extended eastward one thousand feet from "P" Street, and runs thence northward parallel with "P" Street, fourteen hundred feet; thence north-westward till it intersects the east line of "P" Street extended northward twenty-four hundred feet from Fourth street; thence westward towards the south corner of Bull's Wharf, till it intersects the harbor line on the east side of Fore Point Channel, established by "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year eighteen hundred and forty. This is the extreme line of solid fillings. The outer line, marked "B," in three parts, on said plan, begins in South Boston, at a point in the north line of Fourth Street, extended eastward fourteen hundred feet from "P" Street, and runs thence northward, parallel with "P" Street, fourteen hundred feet; thence north-westward till it intersects the east line of "P" Street extended northward, twenty-eight hundred feet from Fourth Street; thence westward, toward the south corner of Arch Wharf, till it intersects the harbor line aforesaid, on the east side of Fore Point Channel. This is the extreme line of any structure of any description whatever. The said lines thus described are the lines reported by the commissioners under resolves approved the third day of May, in the year one thousand eight hundred and fifty, authorizing the appointment of commissioners to define lines beyond which, no wharves shall be extended into and over the tide water of the commonwealth on the flats on the easterly side of Fore Point Channel, and the northerly shore of South Boston, and are drawn and defined upon a plan deposited by said commissioners in the state library.

Restrictions
as to building
and filling.

SECT. 3. No solid structure or filling shall ever hereafter be extended beyond said inner line, marked "A;" and no wharf, pier, or other structure whatsoever, shall ever hereafter be extended beyond said outer line, marked "B," into or over the tide-water of the commonwealth; nor shall any wharf, pier, or other structure whatsoever, on the inner side of either of said lines, be extended further toward said lines or either of them, than such wharf, pier or other structure now stands, or might have been lawfully extended or enlarged before the passage of this act, without leave being first obtained from the legislature; and the space between said lines shall be forever dedicated to dock purposes, in the shape of slips, wet docks or basins, as the exigencies of commerce shall require, and the legislature shall hereafter order and direct.

Space between
lines to be for
dock purposes.

SECT. 4. Every person or corporation offending against the provisions of this act shall be deemed guilty of a misdemeanor, and shall be liable to be prosecuted therefor by indictment or information, in any court of competent jurisdiction, and on conviction shall be punished by a fine not less than one thousand dollars, nor more than five thousand dollars for every offence, and any erection or obstruction which shall be made contrary to the provisions and intent of this act, shall be liable to be removed and abated, as a public nuisance, in the manner provided by law, for the removal and abatement of nuisances on the public highway.

Persons
offending liable
to prosecution
and fine.

Obstruction
may be abated as
a nuisance.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

An Act to establish the Proprietors of the Merrimack River Bridge. *Chap. 386*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Archibald O. Varnum, James H. B. Ayer, Nathaniel Fox, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Merrimack River Bridge, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Powers and
privileges.

SECT. 2. Said corporation is hereby authorized and empowered to erect a bridge over the Merrimack River, the southerly end thereof to be opposite to Long Island, and within eight hundred feet of the northerly line of land belonging to the Lawrence Manufacturing Company ; and to purchase and hold such real estate as may be necessary for the purpose of said bridge and the avenues thereto. Said bridge shall be well built, of suitable materials, at least twenty-eight feet in width, covered with plank, with sufficient railing or other protection on both sides for the security of passengers travelling thereon, and shall be kept in good repair at all times.

Authorized to
build a bridge
as described.

Twenty-eight
feet wide.

SECT. 3. Said corporation shall have the right to collect and receive the same rates of toll, as are allowed by law, to be received by the Central Bridge Corporation, in Lowell: *provided*, that whenever the tolls collected on said Merrimack River Bridge shall be sufficient to reimburse the proprietors for the cost of the real estate, and for the building of said bridge, with six per cent. interest annually. and for all the expenses of the repairs upon said bridge, and all current and incidental expenses of its management and superintendence,

Corporation may
collect toll.

Provided, etc.

then said bridge shall revert to, and be vested in, the commonwealth, to be maintained as a free bridge forever.

Proprietors may purchase certain franchises, etc.

SECT. 4. Said proprietors of the Merrimack River Bridge shall have the right to purchase and hold the Central Bridge, in Lowell, and the franchise thereof, and the Patucket Bridge, so called, over the Merrimack River at Patucket Falls, and the franchise thereof, or either of said bridges and the franchises thereof, for such sum or sums as may be agreed on between the said corporations respectively. And in case the said proprietors of the Merrimack River Bridge shall agree with either or both of said other corporations upon the price of either or both of said bridges, the Central Bridge Corporation, and the proprietors of Patucket Bridge, so called, or either of them, are hereby authorized to make the transfer of their bridges and the franchises thereof as aforesaid: *provided*, that the city of Lowell and the town of Dracont, in the case of Central Bridge, shall consent to the transfer of said bridge to the corporation created by this act, and shall release their rights therein.

Provided.

After five years from transfer to be opened as county roads, etc.

SECT. 5. From and after the completion of the transfer of either or both of said bridges, the said proprietors of the Merrimack River Bridge shall have the right to collect and receive the same rates of toll that are now received by said corporations respectively, for the space of five years from the completion of said transfer or transfers respectively; after which time, either or both of said bridges may be laid out as county roads or townways, by the county commissioners of Middlesex county, as in their judgment the necessity and convenience of the public may require.

Proprietors to make report of cost, etc.

SECT. 6. Said proprietors of the Merrimack River Bridge, if they elect to erect a bridge as authorized by this act, shall when said bridge is completed, make a report of the cost of said bridge and the avenues thereto, to the governor and council, and thereafter shall, in the month of January in each year, make to the governor and council an annual report of the receipts and expenses of said bridge for the year next preceding. And in case the said proprietors of the Merrimack River Bridge shall purchase either or both of said bridges, they shall forthwith report to the governor and council the sum or sums paid for said transfers respectively, or either of them, and thereafter shall make an annual report of the receipts and expenses of said bridges respectively, to the governor and council.

This act to be null and void if, etc.

SECT. 7. If the said Patucket Bridge and Central Bridge, or either of them, shall not be purchased as is hereinbefore provided, or if the said Merrimack River Bridge, and the avenues thereto, shall not be completed and opened for travel

within four years from the passage of this act, then the same shall be null and void.

SECT. 8. For the purpose of enabling the said proprietors of Merrimack River Bridge, in case they shall purchase Central and Patucket Bridges, or either of them, to free the same in less than five years by voluntary subscriptions, the said proprietors, with the consent of the mayor and aldermen of Lowell, are authorized to commute and compound the tolls for passing said bridges or either of them, with those who may subscribe for the freeing of said bridge or bridges as aforesaid, as they may deem expedient. *[Approved by the Governor, May 25, 1853.]*

Proprietors contributing to free the bridge in less than five years.

May have their tolls commuted } by consent, etc.

An Act to authorize the Boston and Lowell Railroad Corporation to construct a Branch Railroad into the City of Boston. *Chap. 387*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and Lowell Railroad Corporation is hereby authorized to construct and maintain a branch railroad, beginning at a point in the present track of their railroad in East Cambridge, at or near East street, thence running easterly to Charles River, at a point near the easterly corner of the flats belonging to said corporation ; thence to a point at or near the bridge across said river, which the Eastern Railroad Company were authorized to construct by the 306th chapter of the acts of the year eighteen hundred and fifty-two, thence parallel with said bridge to the Boston shore ; thence to Causeway street, in said Boston ; and thence, provided said corporation so elects, to the north-westerly side of Traverse street, with the privilege of connecting with the tracks of the Eastern Railroad Company, and of using the same with the consent of said company.

Location of road.

SECT. 2. Instead of the route above described, said Boston and Lowell Railroad Corporation is authorized to construct and maintain a branch railroad, from a point in East Cambridge on the east side of their present bridge, across Charles River, by the side of said bridge to the Boston shore ; thence to some point on Causeway street, in said Boston, between the Boston and Maine Railroad and Lowell street, and thence, if the corporation so elect, to a point on the north-westerly side of Traverse street, between Merrimack and Canal streets.

Authorized to construct a branch railroad.

SECT. 3. Unless said Boston and Lowell Railroad Corporation shall locate one of said routes within one year, and shall build and complete the said road within two years from the passage hereof, this act shall be void.

Void if not located in one year.

Draw.

Commissioner to be appointed.

Twenty-six feet wide.

Mayor and aldermen to regulate speed, etc.

Powers, liabilities, etc., as in chap. 44, R. S.

Capital increased \$500,000.

Act void, unless, etc.

SECT. 4. The bridge across Charles River by either of said routes, shall be provided with a suitable draw, which, together with the bridge itself, shall be constructed under the direction of a commissioner, to be appointed by the governor and council, whose services shall be paid for by said corporation; and the said corporation shall at all times keep said draw in good repair, and furnish men to open it for the passage of vessels by day or night; and said bridge shall not be constructed over twenty-six feet in width.

SECT. 5. The motive power and the rate of speed for crossing any of the streets in the city of Boston, as well as the securities at the crossings of the same, shall be regulated in such manner as shall be required by the mayor and aldermen of said city. And the said Boston and Lowell Railroad Corporation, in the location, construction and use of the branch road hereby authorized, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in all general laws which are now or may be hereafter in force respecting railroads in this commonwealth.

SECT. 6. For the purposes of this act, the Boston and Lowell Railroad Corporation is hereby authorized to increase its capital stock by the sum of five hundred thousand dollars.

SECT. 7. This act shall be void unless the same is accepted by the stockholders of said corporation at a meeting to be held within sixty days from the passage hereof. [*Approved by the Governor, May 25, 1853.*]

Chap. 388

An Act in relation to Pauper Convicts.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Pauper convicts discharged from imprisonment, having no legal settlement in this commonwealth, to be sent to a state almshouse at expense of state.

SECT. 1. When any convict, discharged from the state prison, or from any jail or house of correction, having no legal settlement in this commonwealth known to the warden, keeper or master thereof, shall be at the time of his discharge incompetent, by reason of age, infirmity or disease, to support himself by labor, such warden, keeper or master shall cause him to be removed to one of the state almshouses, provided for by the 275th chapter of the acts passed in the year 1852; the expense of which removal shall be certified to the auditor of the commonwealth, upon whose approval the same shall be paid out of the treasury.

If a legal settlement be subsequently

SECT. 2. If after such removal it shall appear to the inspectors of the almshouse, to which such discharged convict

is removed, that he has a legal settlement in this commonwealth, the said inspectors shall cause him to be removed to the place of his legal settlement, the inhabitants of which place shall be liable to refund to the commonwealth all the expenses incurred in behalf of such discharged convict, from the time of his discharge from the state prison, jail, or house of correction; to be recovered by a suit, to be instituted by the attorney general, in the name of the commonwealth, in any court competent to try the same.

ascertained,
said discharged
convict shall be
removed there
at expense of
such town.

Expense, how to
be recovered.

SECT. 3. Any convict, who, at the legal expiration of the term of his imprisonment, is in a condition, from bodily infirmity or disease, to render his removal as aforesaid impracticable, shall be provided for and receive such treatment, in the state prison, jail or house of correction, as the exigency of the case may require, until he is in a condition to be removed, according to the provisions of the first section of this act. *[Approved by the Governor, May 25, 1853.]*

Provision for
sick and infirm
convicts.

An Act relative to Trust Funds of Parishes and Religious Societies.

Chap. 389

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Incorporated and unincorporated religious societies and parishes shall have power to appoint trustees, not exceeding five in number, to hold and manage trust funds for the benefit of such societies and parishes, which trustees shall hold their offices five years and until others are appointed in their stead, with power to fill any vacancies for an unexpired term which may occur in their board; and said parishes and religious societies may establish such rules and regulations for the government of said trustees, at the time or before the first appointment thereof, as they shall deem proper, which rules and regulations shall be considered as of the nature of a contract, and not subject to alteration or amendment, except by all the trustees in office at the time, and by a two-thirds vote of the parish or religious society interested therein.

Religious
societies may
appoint trustees
to hold and
manage trust
funds, etc.

May establish
rules for govern-
ment of trustees.

Not subject to
alteration,
except, etc.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, May 25, 1853.]*

Chap. 390 An Act in addition to an Act relating to Insurance by Foreign Corporations.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Part of 41st sec.
of ch. 37 R. S.
repealed.

So much of the forty-first section of the thirty-seventh chapter of the Revised Statutes as requires the statement therein mentioned to be deposited with the treasurer of this commonwealth on the first Monday of January in each year, during the continuance of any agency therein mentioned, is hereby repealed. [*Approved by the Governor, May 25, 1853.*]

Chap. 391 An Act concerning the Crystal Lake Water Works.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Towns authorized
to subscribe for
shares not to
exceed \$100,000.

SECT. 1. Any town in the counties in which the aqueduct, water works, mains or pipes of the proprietors of the Crystal Lake Water Works are authorized to be laid, extended or established, for the extinguishment of fires or otherwise, is hereby empowered to subscribe for or purchase, with the consent of said corporation, such shares in the capital stock of said corporation, as may be deemed advisable, to an amount not exceeding one hundred thousand dollars : *provided, however*, that this section shall not go into effect, so far as it concerns any of such towns by which this section shall not be accepted or approved.

Provided.

Inconsistent act
repealed.

SECT. 2. So much of the act entitled "An Act to incorporate the Crystal Lake Water Works," as may be inconsistent with the foregoing section, and so much thereof as relates to the thirty-eighth chapter of the Revised Statutes, are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

Chap. 392 An Act to restrain the Issue or Circulation of Bank Bills for any Fractional Part of a Dollar.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Banks in this
state prohibited
from receiving or
issuing bills of
fractional parts
of a dollar.

SECT. 1. No bank now incorporated, or which may hereafter be incorporated in this commonwealth, shall issue, loan, or receive any bank note or bill designed for circulation or use as currency, which is or shall be for any fractional part of a dollar, or any

such bank note or bill, any part of which is or shall be for a fractional part of a dollar; and any bank which shall offend against the provisions of this act shall forfeit and pay to the use of the commonwealth the sum of one hundred dollars for each and every such offence, to be recovered by indictment or information before any court of competent jurisdiction. Penalty \$100.

SECT. 2. No bank note or bill for any fractional part of a dollar, or any bank note or bill, any part of which is or shall be for a fractional part of a dollar, shall be received or put in circulation within this commonwealth as currency; and any and every person who shall receive or put in circulation as currency, any such note or bill, shall forfeit and pay the sum of twenty-five dollars for each and every such reception, or putting in circulation, to be recovered as aforesaid, one-half to the use of the complainant, and the other half to the use of the commonwealth. [*Approved by the Governor, May 25, 1853.*] Circulation of fractional bills of any bank prohibited.
Penalty \$25.

An Act relating to the Filing of Affidavits of Notice of Sale of Real Estate. Chap. 393

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. That in any case where the affidavit of the notice of sale of real estate by license of the court of probate, in any county in this commonwealth, shall not have been filed within the time prescribed by law, the judge of probate in and for said county upon the petition of the party authorized by said court to make such sale, upon satisfactory evidence being given that the notice ordered was given, may order such affidavit to be filed and recorded, and when so filed and recorded, it shall have the same effect as if it had been filed and recorded within the time prescribed by law. Judges of probate in certain cases may order affidavits of notice, etc., to be filed and recorded, and to have same effect as if, etc.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

An Act to prevent the Adulteration of Drugs and Medicines.

Chap. 394

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, or shall sell any fraudulently adulterated drug or medicine, knowing the same to be adulterated, he shall be punished by imprisonment in the county jail, not more than one year, or by fine not exceeding Penalty for adulterating or selling adulterated drugs and medicines.

four hundred dollars ; and such adulterated drugs and medicines shall be forfeited and destroyed, under the direction of the court.

Third section,
131 chap. R. S.
repealed.

Provided.

SECT. 2. The third section of the one hundred and thirty-first chapter of the Revised Statutes is hereby repealed: *provided* this act shall not affect any case existing when this act shall take effect. [*Approved by the Governor, May 25, 1853.*]

Chap. 395

An Act to incorporate the American Gas Light Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. F. G. Macy, Leonard March, George Odiorne, their associates and successors, are hereby made a corporation, by the name of the American Gas Light Company, to be located in the town of Chelsea, county of Suffolk, for the purpose of manufacturing apparatus for generating gas, and selling the same and the right to use the same ; also for the sale of gas made by Drake's apparatus for generating gas, and the manufacture of hydrocarbon to be used in the generation of said gas : and other products obtained from coal and coal tar ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Name.

Purpose.

Powers,
duties, etc.

Real and personal
estate \$200,000.

No shares issued
under par.

Not authorized to
dig up or lay
pipes in streets
of Chelsea.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred thousand dollars.

SECT. 3. No shares in the capital stock of said company shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

SECT. 4. Nothing in this act shall authorize the said gas light company to dig up or lay pipes in any street in the town of Chelsea.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

Chap. 396

An Act in addition to An Act to grant Jurisdiction to the United States, over certain Lands in Provincetown and Truro.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jurisdiction to
certain lands in
Provincetown

SECT. 1. Jurisdiction is hereby granted to the United States over such tracts of land in Provincetown and Truro, as

may be used for such works of improvement by the United States, as may be judged proper, for the preservation of Cape Cod Harbor, either by the planting of beach grass, or by such other mode as, after investigation, may be found expedient: *provided*, that the commonwealth shall retain, and it does hereby retain, concurrent jurisdiction with the United States, in and over said lands, so far that civil and criminal processes issued under the authority of this commonwealth, or any officer thereof, may be executed on any part of said lands, or in any building erected thereon, in the same way and in the same manner as if jurisdiction had not been granted as aforesaid.

and Truro ceded to U. S.

Provided that commonwealth retain concurrent jurisdiction, etc.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

An Act relating to the Union of the Hampden Railroad Company, the Westfield and Northampton Railroad Corporation and the Northampton and Shelburne Falls Railroad Company. *Chap. 397*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Hampden Railroad Company, and the Westfield and Northampton Railroad Corporation, leading respectively from the state line, in Southwick, to Westfield, as now located, and from Westfield to Northampton, may unite and merge the stock of their said roads; and they may also unite and merge the stock of one or more sections of the Northampton and Shelburne Falls Railroad Company, in case the same shall be incorporated, whenever said corporations respectively shall be authorized, by a vote of a majority in number and value of the stockholders thereof, present and voting at a meeting duly called for that purpose, and said corporations, so united, shall take the name of the Hampshire and Hampden Railroad Corporation. *Permission to unite and merge stock of roads.*

SECT. 2. When a union of two or more of said corporations shall have been formed in manner aforesaid, the presidents of said corporations may call a meeting for the choice of directors of said united corporation. [*Approved by the Governor, May 25, 1853.*] *Directors of united corporation.*

An Act to incorporate the Newton Mills.

Chap. 398

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Otis Pettee, George Pettee and S. F. Plimpton, their associates and successors, are hereby made a corporation, *Corporators.*

Name. by the name of the Newton Mills, for the purposes of manu-
Purpose. facturing cotton and woolen fabrics and machinery and other
articles necessary or convenient to be used therefor, and
carrying on the business thereof, in the town of Newton, in
the county of Middlesex ; and for this purpose shall have all
Powers, duties, the powers and privileges, and be subject to all the duties,
etc. restrictions and liabilities, set forth in the thirty-eighth and
forty-fourth chapters of the Revised Statutes.

Real estate \$200,000. SECT. 2. The said corporation may hold, for the purposes
aforesaid, real estate, in amount not exceeding two hundred thou-
Capital \$500,000. sand dollars, and their capital stock shall not exceed five hundred
No shares issued thousand dollars : *provided*, that no shares in the capital stock
under par. of said corporation shall be issued for a less sum or amount,
than the par value of the shares which shall be first issued.

SECT. 3. This act shall take effect from and after its pas-
sage. [*Approved by the Governor, May 25, 1853.*]

Chap. 399 An Act concerning the Possession and Use of Billiards, Bowls and other
like Implements, for other Purposes than Gaming.

*Be it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the same,
as follows :*

Possession of The possession, by innholders or others, and the use by
billiards, etc., for any person, of cards, billiards, bowls, quoits, and other like
merely, not to be implements for amusement merely, or for any other purpose
deemed unlawful. than gaming for money or other property, shall not be deemed
to be unlawful, any thing in the forty-seventh and fiftieth
chapters of the Revised Statutes, to the contrary notwith-
standing. [*Approved by the Governor, May 25, 1853.*]

Chap. 400 An Act to incorporate the New England Verd Antique Marble Company.

*Be it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the same,
as follows :*

Corporators. SECT. 1. Thomas W. Gilles, Aaron F. Hughes, Archelaus
Wilson, their associates and successors, are hereby made a
Name. corporation, by the name of the New England Verd Antique
Purpose. Marble Company, for the purpose of manufacturing, dressing,
setting and quarrying marble. Said company to be located in
Powers, duties, the city of Boston, county of Suffolk, with all the powers and
etc. privileges, and subject to all the duties, restrictions and lia-
bilities, set forth in the thirty-eighth and forty fourth chapters
of the Revised Statutes.

Real and personal SECT. 2. The said corporation may hold real and personal
estate \$300,000. estate, necessary and convenient for the purposes aforesaid, not
exceeding in amount three hundred thousand dollars.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall first be issued. No shares issued under par

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, May 25, 1853.]

An Act concerning Bank Directors.

Chap. 401

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A majority of the directors of every bank shall be residents, or have their places of business within the county where the bank is established, or within ten miles of the bank. Majority of directors to be within ten miles of bank.

SECT. 2. All laws inconsistent herewith are hereby repealed. [Approved by the Governor, May 25, 1853.]

An Act concerning the Adoption of Children.

Chap. 402

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Upon the petition of any person for leave to adopt a child, under the provisions of the three hundred and twenty-fourth chapter of the general laws of the commonwealth, passed in the year one thousand eight hundred and fifty-one, if it shall be made to appear to the judge of probate that either of the parents of such child is insane, the judge shall proceed in the case in like manner and to the same effect as he would be authorized to do in case such insane person were dead: *provided, however,* that the judge of probate shall, if in his judgment it shall be expedient, appoint some discreet and suitable person to act in the proceedings as the next friend of such child, and give or withhold such consent. Procedure of judge in case of insanity of parents. Provided.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 25, 1853.]

An Act authorizing the Hancock Free Bridge Corporation to make solid a Portion of the West Boston Bridge. Chap. 403

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Hancock Free Bridge Corporation is hereby authorized and empowered to fill up and make solid that portion of the West Boston Bridge, so called, lying between the westerly abutment of said bridge and that part of the line established Authorized to fill up and make solid a portion, etc.

by an act of the legislature, entitled An Act concerning Lines in Boston Harbor, approved April twenty-sixth, in the year one thousand eight hundred and forty-seven, which passes under said bridge, about eight hundred and sixty-five feet easterly of said abutment, provided that the surface of said bridge shall not exceed the width of fifty feet, and that the provisions of this act shall not interfere with the private rights of any person or persons whatever. [*Approved by the Governor, May 25, 1853.*]

Provided.

Chap. 404

An Act to increase the Capital Stock of the Millbury Bank.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital, \$25,000.

SECT. 1. The president, directors and company of the Millbury Bank, in Millbury, are hereby authorized to increase their present capital stock by an addition thereto of twenty-five thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-four.

Proviso.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank on or before the first day of July next; and if the persons so objecting, legally represent one fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to same restrictions as original stock.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be returned to secretary of state.

SECT. 4. Before the aforesaid corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

An Act defining the Liability of Innkeepers for Losses of their Guests. *Chap. 405*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Innkeepers shall not be liable for losses sustained by their guests, except of wearing apparel or personal baggage, and money necessary for travelling expenses and personal use, unless upon delivery by such guests of their money, jewelry, or other property to the innkeeper, his agents or servants for safe custody: or upon notice to him, his agents, or servants, of their possession of such money, jewelry or property, and an offer to deliver the same for such safe custody.

Liability of innkeepers for losses sustained by guests.

SECT. 2. In case of loss by fire or any overwhelming force, innkeepers shall only be answerable to their guests for ordinary and reasonable care in the custody of their baggage or other property.

In case of fire, etc.

SECT. 3. In all cases it shall be competent for an innkeeper against whom a claim is made for loss sustained by a guest, to show that such loss is attributable to the negligence of the guest himself, or to his non-compliance with the regulations of the inn: *provided*, such regulations are reasonable and proper, and are shown to have been duly brought to the notice of the guest by the innkeeper. [*Approved by the Governor, May 25, 1853.*]

Liability in case of non-compliance, etc., on part of guests.

An Act in Addition to an Act to increase the Capital Stock of the Lynn Mechanics' Bank. *Chap. 406*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The president, directors, and company of the Lynn Mechanics' Bank in Lynn are hereby authorized to divide the sum of fifty thousand dollars, additional capital stock granted by the act passed April twenty-eighth, eighteen hundred and fifty-three, to increase the capital stock of said bank into sums of twenty dollars each, which sums shall be added to the several existing shares of said bank, any thing in the act to which this is in addition to the contrary notwithstanding. [*Approved by the Governor, May 25, 1853.*]

Bank may divide \$50,000 additional capital in sums of \$20 each, to be added to existing shares.

An Act concerning Probate Courts in the County of Essex. *Chap. 407*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The acts establishing probate courts at Salem, in

Probate courts established in Essex.

the county of Essex, on the third Tuesdays in February, May, August, and November, and at Ipswich, in said county, on the first Tuesdays in February, March, May, June, August, September, November and December, are hereby repealed.

SECT. 2. There shall be a probate court held at Salem, in the county of Essex, on the first Tuesdays of each and every month in each year.

SECT. 3. A probate court shall be holden in Ipswich in said county, on the third Tuesdays of the months of February, May, August, and November of each year.

SECT. 4. A probate court shall be holden at Lawrence, in said county, on the second Tuesdays of the months of March and September, in addition to the courts now there established.

SECT. 5. This act shall take effect on the first day of September next. [*Approved by the Governor, May 25, 1853.*]

When to take effect.

Chap. 408 An Act to increase the Capital Stock of the Merchants' Bank, in Boston.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional capital, \$2,000,000.

Provided.

Provided, also.

The president, directors, and company of the Merchants Bank in Boston, are hereby authorized to increase their capital stock, by an addition thereto not exceeding two millions of dollars : *provided*, that such increase shall be subject to the provisions, duties, restrictions, liabilities and privileges, set forth in the act passed May twenty-fourth, eighteen hundred and fifty-one, entitled " An Act to authorize the Business of Banking ; " and also of the act passed May eighteenth, eighteen hundred and fifty-two, entitled " An Act in addition to An Act entitled An Act to authorize the Business of Banking ; " and *provided also*, that no part of the additional capital aforesaid shall be exempted from taxation, until the whole circulation of said bank shall exceed the amount already allowed by law. [*Approved by the Governor, May 25, 1853.*]

Chap. 409

An Act for the Sale of the Public Lands in Maine.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Land agent and commissioners authorized to sell lands.

SECT. 1. The land agent of this commonwealth, with the concurrence of the commissioners appointed by the act of eighteen hundred and fifty, chapter 307, and the acts of eighteen hundred and fifty-one, chapter 190, is hereby authorized to sell, for such price and on such terms as they may deem for the interest of the commonwealth, all the timber and lands

now remaining unsold in the state of Maine, and belonging to this commonwealth: *provided, however*, that in case of the sale of said timber and lands, or of any part thereof, on credit, the security to be received for the payment of the purchase money shall be made entirely satisfactory to said land agent and commissioners, wholly independent of any lien upon said timber or lands. Provided.

SECT. 2. Prior to the sale of the fee in any township or tract of land to any other party excepting the state of Maine, it shall be the duty of the land agent to offer the same to such person or persons as have already become purchasers of the timber on such township or tract of land, at such prices and on such terms as the said land agent and the commissioners may deem reasonable, and such purchasers of the timber shall have a reasonable time, not exceeding three months, to determine whether they will become the purchasers of the fee in such township or tracts. Land to be offered to former purchasers previous to sale.

SECT. 3. The land agent shall give public notice that all the lands and timber now belonging to this commonwealth in the state of Maine, are for sale, in parcels not exceeding two townships to any one purchaser or party; and it shall not be lawful to sell more than two townships to any one purchaser or party until after the first day of February of the year one thousand eight hundred and fifty-four: *provided, however*, that this limitation shall not apply to sales to the state of Maine, nor to sales to such parties as may have already become purchasers of the timber, to whom the fee is to be offered under the provisions of the second section of this act. Land agent to give notice of sale, etc.
 Provided.

SECT. 4. Prior to making any sale of such lands, or of the timber thereon, as may now be held in severalty by Massachusetts or jointly with the state of Maine, the land agent and commissioners aforesaid shall offer to the state of Maine, for such time and on such terms as they shall deem reasonable, the first right to become the purchaser thereof. First right to purchase to be offered to Maine.

SECT. 5. After the first day of February of the year one thousand eight hundred and fifty-four, it shall be lawful for the land agent and commissioners to sell all the timber and lands in the state of Maine, belonging to this commonwealth, to any one or more purchaser or purchasers. After February 1, 1854, land agent may sell, etc.

SECT. 6. So much of the third section of the act of 1851, chapter 190, as forbids the sale of the fee in the public lands, is hereby repealed. Act of 1851 repealed.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

Chap. 410

An Act concerning the Partition of Real Estate.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Partitions of real estate heretofore made not to be rendered invalid, etc.

SECT. 1. No partition of real estate heretofore made by any court of competent jurisdiction, shall be rendered invalid by reason of any lease or leases of said real estate or of any part thereof ; and the existence of such lease shall not hereafter be a bar to the partition of real estate by the proper courts ; but partition shall be made notwithstanding the existence of any ease or leases. *Provided*, that no such partition shall prejudice the rights of any lessee.

Partitions in certain cases to be valid.

SECT. 2. All partitions of real estate hereafter to be made, or heretofore made by any court of competent jurisdiction, in cases where one of the tenants in common is either alone or jointly with others, trustee, attorney or guardian of any other tenant, shall be as valid and effectual, as if such trustee, attorney or guardian had been a stranger.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

Chap. 411

An Act to incorporate the United States Chemical Manufacturing Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. John Newell, Timothy B. Caldwell, Gardner S. Coffin, their associates and successors, are hereby made a corporation, by the name of the "United States Chemical Manufacturing Company," for the purpose of manufacturing chemical products in the town of Waltham, in the county of Middlesex : with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Name.

Purpose.

Powers, duties, etc.

Real and personal estate, \$100,000.

SECT. 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars.

No shares issued under par.

SECT. 3. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall first be issued.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

An Act to punish the Offence of Obtaining Money by Threats.

Chap. 412

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The seventeenth section of the one hundred and twenty-fifth chapter of the Revised Statutes is hereby amended so that any person convicted of either of the offences therein mentioned, shall be punished by imprisonment in the state prison for any term not exceeding fifteen years, or in the house of correction for any term not exceeding ten years, or by fine not exceeding five thousand dollars, or by such imprisonment and fine.

Penalty for obtaining money by threats.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 25, 1853.]

An Act to change the Jurisdiction of Cases within the County of Suffolk, under the Acts for the Relief of Poor Debtors and for the Approval of Bail.

Chap. 413

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The powers and jurisdiction now possessed by justices of the peace and of the quorum within and for the county of Suffolk, under the acts of this commonwealth for the relief of poor debtors committed on mesne process and execution, and for the approval of sureties upon bail bonds, is hereby transferred to the justices of the police court, within and for the said county, any one of whom shall have and exercise the same powers and jurisdiction, and receive the same fees that are now possessed and receivable under the acts aforesaid, by any two of the said justices of the peace and quorum.

Jurisdiction of justices of peace and quorum in certain cases transferred to justices of police court.

SECT. 2. This act shall not affect cases already commenced under the said acts by the service of the citation upon the creditor.

Not to affect cases already commenced.

SECT. 3. The provisions of the acts aforesaid, so far as they are inconsistent herewith, shall not hereafter apply to the county of Suffolk. [Approved by the Governor, May 25, 1853.]

Inconsistent acts repealed.

Chap. 414 An Act concerning the Liability of Railroad Corporations for Loss of Life in certain cases.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporations liable for loss of life in case of gross carelessness of servants or agents, etc.

SECT. 1. If, by reason of the gross negligence, carelessness or unfitness of the servants or agents of any railroad corporation in this commonwealth, while engaged in the business of such corporation, or by reason of the negligence or carelessness of such corporation, the life of any person, not being a passenger or employee of such corporation, shall be lost, such person being in the exercise of due care and diligence, such corporation shall be liable to a fine not exceeding five thousand dollars, and not less than five hundred dollars, to be recovered by indictment, to the use of the executor or administrator of such deceased person, for the benefit of his widow and children, one moiety thereof to belong to his widow, and one moiety to his children, but if there shall be no children, the whole to his widow, and if no widow nor child, the whole to his heir at law.

Not exceeding \$5000 nor less than \$500.

Not liable in certain cases.

SECT. 2. No railroad corporation shall be liable to the fine mentioned in the preceding section, for the loss of life by any person while walking or being upon any railroad contrary to law, or to the reasonable rules and regulations of such corporation.

Indictments to be prosecuted within one year.

SECT. 3. All indictments against any railroad corporation for loss of life, shall be prosecuted within one year from the injury causing the death.

Penalty for being unlawfully on railroad track.

SECT. 4. Any person who shall without right, knowingly stand or walk on any railroad track, shall be liable to a penalty of not less than five dollars, nor more than fifty dollars, to be recovered to the use of the commonwealth on complaint before any justice of the peace or police court in the county where the offence is committed. [*Approved by the Governor, May 25, 1853.*]

Chap. 415

An Act to incorporate the Mystic River Railroad.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. Phineas J. Stone, James G. Fuller, David Hamblin, James Dana, Frederick Tudor, and their associates, successors and assigns, are hereby made a corporation, by the name of the Mystic River Railroad, with all the powers and privileges, and subject to all the duties, liabilities and restric-

Name.
Powers, duties,
etc.

tions, set forth in the forty-fourth chapter of the Revised Statutes, and that part of the thirty-ninth chapter thereof, relating to railroad corporations, and to all other general laws which have been, or shall be hereafter passed, relating to railroad corporations.

SECT. 2. The said corporation is hereby empowered to Location. locate, construct and maintain, a railroad with one or more tracks, commencing at some convenient point on the Boston and Maine Railroad in Somerville, northerly of that tract of land lately occupied for the Middlesex Canal, and southerly of the point where the Grand Junction Railroad unites with the Boston and Maine; thence by a curve till it reaches the Malden road in Charlestown; thence crossing said road to the land or flats of George W. Gerrish and others; thence across the same and that tract of flats which the Mystic River Corporation is authorized to enclose and fill up to Chelsea Bridge; thence across said bridge and over the flats south-easterly thereof, to the end of the structure authorized to be built by the said Mystic River corporation: *provided*, that all Provided. the grants herein contained are on the condition that the Mystic River Corporation, or the corporation hereby created, shall make and maintain all the excavations required by the act incorporating said Mystic River corporation, being chapter 105 of the acts of 1852; and this corporation shall be entitled to the same notice from the attorney general as is provided in the 9th section of said act.

SECT. 3. The said Mystic River railroad, if it crosses over Shall cross mill pond and flats on piles. Tuft's Mill Pond, and the flats between said mill pond and the land or flats of the said Gerrish, shall cross the same on piles, and shall, if required by either of the owners thereof, construct, maintain, and properly tend one draw, at least Draw. thirty feet in width, at a convenient point, to be determined by a commissioner to be appointed by the governor and council at the expense of said corporation, with suitable piers, and shall open such draw for the passage of vessels by day and night. And if the said draw shall fail to afford access to all the wharves between said railroad and Main street in said Charlestown, an additional draw shall be provided and main- Commissioner to be appointed. tained by said corporation; the necessity therefor to be decided Additional draw by said commissioner.

SECT. 4. Said corporation, if it passes between Tuft's Mill Pond and Main street in said Charlestown, shall not take or use a strip of land exceeding twenty-five feet in width, from any estate between the said Malden road and the south-easterly line of Johnson's wharf. Land taken not to exceed 25 feet in width.

SECT. 5. The whole capital stock of said corporation shall Capital 2000 shares.

Of \$100 each.

consist of not more than two thousand shares ; and the number of shares to be issued from time to time, shall be determined by the directors ; and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share, and no stock shall be issued at less than its par value.

No shares issued under par.

Location filed in two years, completed in three years.

SECT. 6. The location of said railroad shall be filed within two years, and the same shall be completed within three years from the passage of this act.

When this act to take effect

SECT. 7. This act shall not go into effect until all the capital stock named in the charter shall have been subscribed for by responsible parties, and twenty per cent. paid into the treasury of the company.

May enter upon and use Boston and Maine railroad.

SECT. 8. This corporation is hereby authorized to connect its tracks with those of the Boston and Maine railroad in Somerville, and enter upon and use that railroad according to law ; and the Boston and Maine railroad may, in like manner, enter upon and use the Mystic River railroad. And in case the Eastern Railroad Corporation shall locate its line near the Boston and Maine, and rise more rapidly than that railroad, this corporation shall raise its track to conform to that of the Eastern railroad near the point of junction. [*Approved by the Governor, May 25, 1853.*]

Boston and Maine railroad may enter upon and use Mystic river railroad.

Chap. 416 An Act to authorize the Sale of the Property of the New Haven and Northampton Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

New Haven and Northampton company authorized to sell entire property in order to facilitate construction of a railroad.

SECT. 1. In order to facilitate the construction of a railroad between the state line in Southwick, and Northampton, as a substitute for the Hampshire and Hampden Canal, the New Haven and Northampton Company are authorized to make sale of their entire property, and the property of said canal, or any part or portion thereof, and a conveyance of the same from said company shall vest in any purchaser a sufficient title to said property, though a change of the use to other public purposes may follow such sale.

Vested rights to water power not forfeited by a sale of property.

SECT. 2. Such sale of the property of said company, or any part or portion of the works thereof, shall not work a forfeiture of any of the vested rights of said company to the water power which has been created by the construction of said canal, but the right to maintain the same, shall continue in said company and their assigns the same as heretofore, though said canal may be discontinued as a navigable highway :

provided, however, that the waters of the Southwick ponds and their tributaries as they existed before the construction of said canal, shall be restored to the Westfield or Agawam Rivers, and any such sale shall be subject to this provision. Provided, etc.

SECT. 3. The lands which were taken by said canal corporation by appraisal and not by purchase, shall not be sold for other than railroad purposes, and such land which shall not be sold for said purposes, shall revert to the owners thereof, divested of the easement of said canal company. Certain lands how to be disposed of.
[Approved by the Governor, May 25, 1853.]

An Act to apportion and assess a Tax of Three Hundred Thousand Dollars. *Chap. 417*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Each city, town, district, or other place, herein-after named, within this commonwealth, shall be assessed and pay the several sums with which they stand respectively charged in the following schedule : State tax amounting to \$300,000.

SCHEDULE.

SUFFOLK COUNTY.

Boston, . . .	Ninety-eight thousand six hundred and ninety-one dollars, . . .	\$98,691 00
Chelsea, . . .	One thousand seven hundred and sixty-four dollars, . . .	1,764 00
North Chelsea, .	Three hundred and eighty-seven dollars, . . .	387 00
		<hr/> \$100,842 00.

ESSEX COUNTY.

Amesbury, . . .	Five hundred and seventy-three dollars, . . .	\$573 00
Andover, . . .	One thousand six hundred and eleven dollars, . . .	1,611 00
Beverly, . . .	One thousand one hundred and fifty-five dollars, . . .	1,155 00
Boxford, . . .	Two hundred and seventy-nine dollars, . . .	279 00
Bradford, . . .	Two hundred and four dollars, . . .	204 00
Danvers, . . .	One thousand seven hundred and forty-nine dollars, . . .	1,749 00
Essex, . . .	Three hundred and thirty-six dollars, . . .	336 00

Georgetown, . .	Three hundred and ninety-three dollars,	\$393 00
Gloucester, . .	One thousand three hundred and twenty-six dollars,	1,326 00
Groveland, . .	Two hundred and twenty-five dollars, .	225 00
Hamilton, . .	Two hundred and thirty-one dollars, .	231 00
Haverhill, . .	One thousand two hundred and fifteen dollars,	1,215 00
Ipswich, . .	Five hundred and seventy-three dollars, .	573 00
Lawrence, . .	Two thousand nine hundred and seventy-three dollars,	2,973 00
Lynn, . .	Two thousand three hundred and nineteen dollars,	2,319 00
Lynnfield, . .	One hundred and eighty-six dollars, .	186 00
Manchester, . .	Two hundred and eighty-two dollars,	282 00
Marblehead, . .	One thousand one hundred and four dollars,	1,104 00
Methuen, . .	Five hundred and sixty-one dollars, .	561 00
Middleton, . .	One hundred and sixty-five dollars, .	165 00
Newbury, . .	Three hundred and forty-five dollars, .	345 00
Newburyport, . .	Two thousand seven hundred and eighty-seven dollars,	2,787 00
Rockport, . .	Four hundred and fourteen dollars, .	414 00
Rowley, . .	Two hundred and forty-three dollars, .	243 00
Salem, . .	Six thousand six hundred and sixty-six dollars,	6,666 00
Salisbury, . .	Five hundred and fifty-five dollars, .	555 00
Saugus, . .	Two hundred and seventy-three dollars,	273 00
Topsfield, . .	Two hundred and fifty-two dollars, .	252 00
Wenham, . .	Two hundred and seven dollars, . .	207 00
West Newbury, . .	Three hundred and eighteen dollars, .	318 00
		<hr/> \$29,520 00

MIDDLESEX COUNTY.

Acton, . .	Three hundred dollars,	\$300 00
Ashby, . .	Three hundred and six dollars, . .	306 00
Ashland, . .	Two hundred and thirty-four dollars, .	234 00
Bedford, . .	One hundred and ninety-two dollars, .	192 00
Billerica, . .	Four hundred and forty-one dollars, .	441 00
Boxborough, . .	One hundred and twenty-three dollars, .	123 00
Brighton, . .	Eight hundred and sixteen dollars, .	816 00

Burlington, . . .	One hundred and fifty dollars, . . .	\$150 00
Cambridge, . . .	Five thousand one hundred and ninety dollars,	5,190 00
Carlisle, . . .	One hundred and seventy-one dollars. . .	171 00
Charlestown, . . .	Four thousand three hundred and ninety- two dollars,	4,392 00
Chelmsford, . . .	Five hundred and four dollars, . . .	504 00
Concord, . . .	Six hundred and forty-two dollars, . . .	642 00
Dracut, . . .	Three hundred and seventy-five dollars, .	375 00
Dunstable, . . .	One hundred and eighty-three dollars, .	183 00
Framingham, . . .	Nine hundred and eighty-four dollars, .	984 00
Groton, . . .	Seven hundred and twenty dollars, . . .	720 00
Holliston, . . .	Four hundred and sixty-two dollars, . .	462 00
Hopkinton, . . .	Five hundred and thirteen dollars, . . .	513 00
Lexington, . . .	Five hundred and ninety-four dollars, .	594 00
Lincoln, . . .	Two hundred and forty dollars, . . .	240 00
Littleton, . . .	Two hundred and forty-six dollars, . . .	246 00
Lowell, . . .	Eight thousand six hundred and four dollars,	8,604 00
Malden, . . .	Nine hundred dollars,	900 00
Marlborough, . . .	Six hundred and forty-two dollars, . . .	642 00
Medford, . . .	One thousand two hundred and fifteen dollars,	1,215 00
Melrose, . . .	Two hundred and seventy dollars, . . .	270 00
Natick, . . .	Five hundred and thirty-one dollars, . .	531 00
Newton, . . .	One thousand five hundred and eighty- seven dollars.	1,587 00
Pepperell, . . .	Three hundred and ninety-nine dollars, .	399 00
Reading, . . .	Six hundred and six dollars,	606 00
Sherborn, . . .	Two hundred and seventy dollars, . . .	270 00
Shirley, . . .	Two hundred and ninety-seven dollars, .	297 00
Somerville, . . .	One thousand and thirty-two dollars, . .	1,032 00
South Reading, . .	Four hundred and twenty-six dollars, . .	426 00
Stoneham, . . .	Three hundred and six dollars,	306 00
Stow, . . .	Three hundred and twenty-seven dollars, .	327 00
Sudbury, . . .	Four hundred and sixty-eight dollars, . .	468 00
Tewksbury, . . .	Three hundred and eighteen dollars, . .	318 00
Townsend, . . .	Four hundred and fifty dollars,	450 00

Tyngsborough, . .	Two hundred and forty-six dollars, . .	\$246 00
Waltham, . . .	One thousand three hundred and ninety-two dollars, . . .	1,392 00
Watertown, . . .	One thousand one hundred and forty-six dollars, . . .	1,146 00
Wayland, . . .	Two hundred and fifty-eight dollars, . .	258 00
West Cambridge, .	Eight hundred and twenty-five dollars, .	825 00
Westford, . . .	Four hundred and fourteen dollars, . .	414 00
Weston, . . .	Three hundred and sixty dollars . . .	360 00
Wilmington, . . .	Two hundred and thirteen dollars, . . .	213 00
Winchester, . . .	Three hundred and forty-two dollars, . .	342 00
Woburn, . . .	One thousand and five dollars, . . .	1,005 00
		<hr/> \$42,627 00

WORCESTER COUNTY.

Ashburnham, . . .	Three hundred and seventy-five dollars, .	\$375 00
Athol, . . .	Three hundred and sixty-six dollars, . .	366 00
Auburn, . . .	Two hundred and sixteen dollars, . . .	216 00
Barre, . . .	Seven hundred and forty-one dollars, . .	741 00
Berlin, . . .	One hundred and fifty-three dollars, . .	153 00
Blackstone, . . .	Nine hundred and thirty-six dollars, . .	936 00
Bolton, . . .	Two hundred and seventy-nine dollars, .	279 00
Boylston, . . .	Two hundred and thirty-four dollars, . .	234 00
Brookfield, . . .	Three hundred and forty-eight dollars, .	348 00
Charlton, . . .	Four hundred and ninety-eight dollars, .	498 00
Clinton, . . .	Four hundred and ninety-two dollars, . .	492 00
Dana, . . .	One hundred and twenty-six dollars, . .	126 00
Douglas, . . .	Three hundred and seventy-eight dollars,	378 00
Dudley, . . .	Three hundred and forty-two dollars, . .	342 00
Fitchburg, . . .	One thousand and ninety-five dollars, . .	1,095 00
Gardner, . . .	Three hundred and nine dollars, . . .	309 00
Grafton, . . .	Seven hundred and forty-seven dollars, .	747 00
Hardwick, . . .	Four hundred and twenty-six dollars, . .	426 00
Harvard, . . .	Three hundred and ninety-six dollars, . .	396 00
Holden, . . .	Four hundred and seventeen dollars, . .	417 00

Hubbardston, . . .	Three hundred and fifty-four dollars, . . .	\$354 00
Lancaster, . . .	Three hundred and fifty-four dollars, . . .	354 00
Leicester, . . .	Six hundred and twenty-seven dollars, . . .	627 00
Leominster, . . .	Six hundred and seventy-eight dollars, . . .	678 00
Lunenburg, . . .	Three hundred and thirty dollars, . . .	330 00
Mendon, . . .	Three hundred and fifty-one dollars, . . .	351 00
Milford, . . .	Seven hundred and twenty-nine dollars, . . .	729 00
Millbury, . . .	Five hundred and forty-nine dollars, . . .	549 00
New Braintree, . . .	Two hundred and seventy-three dollars, . . .	273 00
North Brookfield, . . .	Three hundred and sixty-nine dollars, . . .	369 00
Northborough, . . .	Three hundred and thirty-six dollars, . . .	336 00
Northbridge, . . .	Three hundred and sixty-six dollars, . . .	366 00
Oakham, . . .	Two hundred and twenty-five dollars, . . .	225 00
Oxford, . . .	Five hundred and nineteen dollars, . . .	519 00
Paxton, . . .	One hundred and sixty-five dollars, . . .	165 00
Petersham, . . .	Four hundred and eleven dollars, . . .	411 00
Phillipston, . . .	One hundred and ninety-eight dollars, . . .	198 00
Princeton, . . .	Three hundred and twenty-four dollars, . . .	324 00
Royalston, . . .	Three hundred and ninety-six dollars, . . .	396 00
Rutland, . . .	Two hundred and seventy-six dollars, . . .	276 00
Shrewsbury, . . .	Four hundred and twenty dollars, . . .	420 00
Southborough, . . .	Three hundred and twenty-one dollars, . . .	321 00
Southbridge, . . .	Six hundred dollars,	600 00
Spencer, . . .	Four hundred and fifty-six dollars, . . .	456 00
Sterling, . . .	Four hundred and twenty dollars, . . .	420 00
Sturbridge, . . .	Four hundred and fifty dollars, . . .	450 00
Sutton, . . .	Five hundred and twenty-eight dollars, . . .	528 00
Templeton, . . .	Four hundred and seventy-four dollars, . . .	474 00
Upton, . . .	Three hundred and forty-five dollars, . . .	345 00
Uxbridge, . . .	Five hundred and ninety-four dollars, . . .	594 00
Warren, . . .	Three hundred and sixty-six dollars, . . .	366 00
Webster, . . .	Four hundred and thirty-eight dollars, . . .	438 00
West Boylston, . . .	Two hundred and ninety-seven dollars, . . .	297 00

West Brookfield, .	Two hundred and eighty-five dollars, .	\$285 00
Westborough, .	Four hundred and twenty dollars, .	420 00
Westminster, .	Four hundred and two dollars, .	402 00
Winchendon, .	Five hundred and seven dollars, .	507 00
Worcester, .	Five thousand six hundred and four dollars, .	5,604 00
		<hr/> \$29,631 00

HAMPSHIRE COUNTY.

Amherst, . .	Six hundred and twenty-one dollars, .	\$621 00
Belchertown, .	Four hundred and sixty-five dollars, .	465 00
Chesterfield, .	Two hundred and seven dollars, .	207 00
Cummington, .	Two hundred and ten dollars, .	210 00
Easthampton, .	Two hundred and twenty-eight dollars, .	228 00
Enfield, . .	Two hundred and thirty-seven dollars, .	237 00
Goshen, . .	Ninety-nine dollars,	99 00
Granby, . .	Two hundred and thirteen dollars, .	213 00
Greenwich, .	One hundred and thirty-two dollars, .	132 00
Hadley, . .	Four hundred and seventy-four dollars, .	474 00
Hatfield, . .	Three hundred and fifty-seven dollars, .	357 00
Middlefield, .	One hundred and sixty-two dollars, .	162 00
Northampton, .	One thousand three hundred and four- teen dollars, .	1,314 00
Norwich, . .	One hundred and thirty-five dollars, .	135 00
Pelham, . .	One hundred and twenty-nine dollars, .	129 00
Plainfield, .	One hundred and fifty-six dollars, .	156 00
Prescott, . .	One hundred and thirty-five dollars, .	135 00
South Hadley, .	Three hundred and seventy-eight dollars, .	378 00
Southampton, .	Two hundred and thirteen dollars, .	213 00
Ware, . .	Six hundred and twenty-four dollars, .	624 00
Westhampton, .	One hundred and twenty-three dollars, .	123 00
Williamsburg, .	Three hundred and forty-eight dollars, .	348 00
Worthington, .	Two hundred and thirty-seven dollars, .	237 00
		<hr/> \$7,197 00

HAMPDEN COUNTY.

Blandford, . . .	Two hundred and eighty-eight dollars, .	\$288 00
Brimfield, . . .	Three hundred and fifty-four dollars, .	354 00
Chester, . . .	Two hundred and forty-six dollars, .	246 00
Chicopee, . . .	One thousand eight hundred and three dollars, .	1,803 00
Granville, . . .	Two hundred and nineteen dollars, .	219 00
Holland, . . .	Seventy-eight dollars,	78 00
Holyoke, . . .	Nine hundred and sixty-six dollars, .	966 00
Longmeadow, . .	Four hundred and twenty-three dollars, .	423 00
Ludlow, . . .	Two hundred and forty-six dollars, .	246 00
Monson, . . .	Four hundred and ninety-five dollars, .	495 00
Montgomery, . .	Eighty-seven dollars,	87 00
Palmer, . . .	Six hundred and sixty-six dollars, . .	666 00
Russell, . . .	Ninety-six dollars,	96 00
Southwick, . . .	Two hundred and seventy-nine dollars, .	279 00
Springfield, . .	Three thousand three hundred and twenty-seven dollars,	3,327 00
Tolland, . . .	One hundred and eleven dollars, . .	111 00
Wales, . . .	One hundred and twenty dollars, . .	120 00
West Springfield, .	Eight hundred and forty dollars, . .	840 00
Westfield, . . .	Eight hundred and forty-nine dollars, .	849 00
Wilbraham, . . .	Four hundred and eighty dollars, . .	480 00
		<hr/> \$11,973 00

FRANKLIN COUNTY.

Ashfield, . . .	Two hundred and eighty-eight dollars, .	\$288 00
Bernardston, . .	Two hundred and one dollars, . .	201 00
Buckland, . . .	One hundred and forty-one dollars, .	141 00
Charlemont, . . .	Two hundred and four dollars, . .	204 00
Coleraine, . . .	Three hundred and forty-eight dollars, .	348 00
Conway, . . .	Three hundred and sixty-nine dollars, .	369 00
Deerfield, . . .	Five hundred and forty dollars, . .	540 00

Erving, . . .	Ninety dollars,	\$90 00
Gill, . . .	One hundred and fifty-three dollars, .	153 00
Greenfield, . . .	Five hundred and seventy dollars, . .	570 00
Hawley, . . .	One hundred and fifty-three dollars, .	153 00
Heath, . . .	One hundred and forty-four dollars, .	144 00
Leverett, . . .	One hundred and fifty-three dollars,	153 00
Leyden, . . .	One hundred and eleven dollars, . .	111 00
Monroe, . . .	Thirty-six dollars,	36 00
Montague, . . .	Two hundred and fifty-two dollars, .	252 00
New Salem, . . .	Two hundred and twenty-eight dollars, .	228 00
Northfield, . . .	Three hundred and ninety dollars, . .	390 00
Orange, . . .	Three hundred and sixty-nine dollars, .	369 00
Rowe, . . .	One hundred and twenty dollars, . .	120 00
Shelburne, . . .	Two hundred and fifty-two dollars, .	252 00
Shutesbury, . . .	One hundred and forty-one dollars, .	141 00
Sunderland, . . .	One hundred and seventy-one dollars, .	171 00
Warwick, . . .	Two hundred and forty dollars, . .	240 00
Wendell, . . .	Two hundred and ten dollars, . .	210 00
Whately, . . .	Two hundred and forty dollars, . .	240 00
		<hr/> \$6,117 00

BERKSHIRE COUNTY.

Adams, . . .	Nine hundred and sixty-nine dollars, .	\$969 00
Alford, . . .	One hundred and seventeen dollars, .	117 00
Becket, . . .	One hundred and eighty-nine dollars, .	189 00
Boston Corner, . . .	Nine dollars,	9 00
Cheshire, . . .	Two hundred and eighty-two dollars, .	282 00
Clarksburg, . . .	Fifty-four dollars,	54 00
Dalton, . . .	Two hundred and thirty-seven dollars, .	237 00
Egremont, . . .	Two hundred and forty-three dollars, .	243 00
Florida, . . .	Eighty-four dollars,	84 00
Great Barrington, . . .	Six hundred and ninety dollars, . .	690 00
Hancock, . . .	One hundred and eighty-six dollars, .	186 00

Hinsdale, . . .	Two hundred and twenty-two dollars, .	\$222 00
Lanesborough, .	Two hundred and seventy-three dollars .	273 00
Lee, . . .	Five hundred and forty-six dollars, .	546 00
Lenox, . . .	Two hundred and eighty-five dollars, .	285 00
Monterey, . . .	One hundred and twenty-six dollars, .	126 00
Mt. Washington, .	Fifty-four dollars,	54 00
New Ashford, . .	Fifty-one dollars,	51 00
New Marlborough, .	Two hundred and ninety-one dollars, .	291 00
Otis, . . .	One hundred and eighty-nine dollars, .	189 00
Peru, . . .	One hundred and eight dollars, . . .	108 00
Pittsfield, . . .	One thousand three hundred and ninety-two dollars,	1,392 00
Richmond, . . .	One hundred and ninety-eight dollars, .	198 00
Sandisfield, . . .	Two hundred and sixty-seven dollars, .	267 00
Savoy . . .	One hundred and fourteen dollars, . .	114 00
Sheffield, . . .	Five hundred and eighty-five dollars, .	585 00
Stockbridge, . . .	Three hundred and eighty-seven dollars, .	387 00
Tyringham, . . .	One hundred and thirty-five dollars, .	135 00
Washington, . . .	One hundred and thirty-five dollars, .	135 00
West Stockbridge, .	Three hundred and nine dollars, . . .	309 00
Williamstown, . .	Five hundred and sixteen dollars, . .	516 00
Windsor, . . .	One hundred and sixty-eight dollars, .	168 00
		<hr/> \$9,411 00

NORFOLK COUNTY.

Bellingham, . . .	Two hundred and seventy-six dollars, .	\$276 00
Braintree, . . .	Five hundred and seventy-three dollars, .	573 00
Brookline, . . .	Two thousand four hundred and ninety-three dollars,	2,493 00
Canton, . . .	Six hundred and ninety-nine dollars, .	699 00
Cohasset, . . .	Three hundred and ninety-three dollars, .	393 00
Dedham, . . .	One thousand five hundred and three dollars,	1,503 00
Dorchester, . . .	Three thousand two hundred and eighty-five dollars,	3,285 00
Dover, . . .	One hundred and fifty-nine dollars, . .	159 00
Foxborough, . . .	Three hundred and fifty-four dollars, .	354 00

Franklin, . . .	Three hundred and forty-eight dollars, .	\$348 00
Medfield, . . .	Two hundred and forty dollars, . . .	240 00
Medway, . . .	Four hundred and ninety-five dollars, .	495 00
Milton, . . .	Eight hundred and forty-nine dollars, .	849 00
Needham, . . .	Four hundred and thirty-five dollars, .	435 00
Quincy, . . .	One thousand one hundred and twenty-two dollars, . . .	1,122 00
Randolph, . . .	Nine hundred and thirty-six dollars, .	936 00
Roxbury, . . .	Six thousand six hundred and twelve dollars, . . .	6,612 00
Sharon, . . .	Two hundred and ninety-one dollars, .	291 00
Stoughton, . . .	Six hundred and twenty-four dollars, .	624 00
Walpole, . . .	Four hundred and twenty-three dollars, .	423 00
Weymouth, . . .	Nine hundred and thirty-nine dollars, .	939 00
Wrentham, . . .	Six hundred dollars,	600 00
		<hr/> \$23,649 00

BRISTOL COUNTY.

Attleborough, . . .	Six hundred and twelve dollars, . . .	\$612 00
Berkley, . . .	One hundred and fifty dollars, . . .	150 00
Dartmouth, . . .	One thousand one hundred and fifty-five dollars, . . .	1,155 00
Dighton, . . .	Two hundred and eighty-eight dollars, .	288 00
Easton, . . .	Four hundred and two dollars, . . .	402 00
Fairhaven, . . .	One thousand five hundred and eighty-four dollars, . . .	1,584 00
Fall River, . . .	Three thousand one hundred and seventeen dollars, . . .	3,117 00
Freetown, . . .	Three hundred and three dollars, . . .	303 00
Mansfield, . . .	Two hundred and thirty-four dollars, .	234 00
New Bedford, . . .	Six thousand nine hundred and forty-five dollars, . . .	6,945 00
Norton, . . .	Three hundred and eighty-four dollars, .	384 00
Pawtucket, . . .	Five hundred and thirty-seven dollars, .	537 00
Raynham, . . .	Two hundred and seventy-six dollars, .	276 00
Rehoboth, . . .	Three hundred and eighty-one dollars, .	381 00
Seckouk, . . .	Three hundred and eighty-one dollars, .	381 00
Somerset, . . .	Two hundred and forty-six dollars, .	246 00
Swansey, . . .	Two hundred and eighty-five dollars, .	285 00

Taunton, . . .	Two thousand and thirteen dollars, . . .	\$2,013 00
Westport, . . .	Seven hundred and fifty dollars, . . .	750 00
		<hr/> \$20,043 00

PLYMOUTH COUNTY.

Abington, . . .	Eight hundred and sixty-seven dollars, . . .	\$867 00
Bridgewater, . . .	Six hundred and forty-five dollars, . . .	645 00
Carver, . . .	One hundred and ninety-five dollars, . . .	195 00
Duxbury, . . .	Five hundred and seventy-nine dollars, . . .	579 00
E. Bridgewater, . . .	Four hundred and fifty-six dollars, . . .	456 00
Halifax, . . .	One hundred and forty-four dollars, . . .	144 00
Hanover, . . .	Three hundred dollars, . . .	300 00
Hanson, . . .	Two hundred and ten dollars, . . .	210 00
Hingham, . . .	Eight hundred and sixty-one dollars, . . .	861 00
Hull, . . .	Sixty dollars, . . .	60 00
Kingston, . . .	Four hundred and forty-one dollars, . . .	441 00
Marshfield, . . .	Three hundred and fifty-one dollars, . . .	351 00
Middleborough, . . .	Nine hundred and three dollars, . . .	903 00
N. Bridgewater, . . .	Six hundred and twenty-one dollars, . . .	621 00
Pembroke, . . .	Two hundred and forty-six dollars, . . .	246 00
Plymouth, . . .	One thousand three hundred and eleven dollars, . . .	1,311 00
Plympton, . . .	One hundred and eighty-three dollars, . . .	183 00
Rochester, . . .	Six hundred and sixty-three dollars, . . .	663 00
Scituate, . . .	Three hundred and seventy-five dollars, . . .	375 00
S. Scituate . . .	Three hundred and ninety-six dollars, . . .	396 00
Wareham, . . .	Five hundred and twenty-five dollars, . . .	525 00
W. Bridgewater, . . .	Two hundred and seventy-nine dollars, . . .	279 00
		<hr/> \$10,611 00

BARNSTABLE COUNTY.

Barnstable, . . .	Eight hundred and forty-six dollars, . . .	\$846 00
Brewster, . . .	One hundred and ninety-eight dollars, . . .	198 00
Chatham, . . .	Two hundred and ninety-seven dollars, . . .	297 00

Dennis, . . .	Four hundred and sixty-two dollars, . .	\$462 00
Eastham, . . .	One hundred and fourteen dollars, . .	114 00
Falmouth, . . .	Five hundred and thirteen dollars, . .	513 00
Harwich, . . .	Three hundred and thirty-nine dollars, .	339 00
Orleans, . . .	Two hundred and four dollars, . .	204 00
Provincetown, .	Five hundred and fifty-eight dollars, .	558 00
Sandwich, . . .	Seven hundred and thirty-eight dollars, .	738 00
Truro, . . .	Two hundred and thirty-seven dollars, .	237 00
Wellfleet, . . .	Two hundred and thirteen dollars, . .	213 00
Yarmouth, . . .	Four hundred and fourteen dollars, . .	414 00
		<hr/> \$5,133 00

DUKES COUNTY.

Chilmark, . . .	Two hundred and thirty-seven dollars, .	\$237 00
Edgartown, . . .	Three hundred and sixty-nine dollars, .	369 00
Tisbury, . . .	Three hundred and fifteen dollars, . .	315 00
		<hr/> \$921 00

NANTUCKET COUNTY.

Nantucket, . . .	Two thousand three hundred and twenty-five dollars,	\$2,325 00
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RECAPITULATION.

Suffolk County, .	One hundred thousand eight hundred and forty-two dollars,	\$100,842 00
Essex County, .	Twenty-nine thousand five hundred and twenty dollars,	29,520 00
Middlesex County, .	Forty-two thousand six hundred and twenty-seven dollars,	42,627 00
Worcester County, .	Twenty-nine thousand six hundred and thirty-one dollars,	29,631 00
Hampshire County, .	Seven thousand one hundred and ninety-seven dollars,	7,197 00
Hampden County, .	Eleven thousand nine hundred and seventy-three dollars,	11,973 00
Franklin County, .	Six thousand one hundred and seventeen dollars,	6,117 00
Berkshire County, .	Nine thousand four hundred and eleven dollars,	9,411 00
Norfolk County, .	Twenty-three thousand six hundred and forty-nine dollars,	23,649 00
Bristol County, . .	Twenty thousand and forty-three dollars,	20,043 00
Plymouth County, .	Ten thousand six hundred and eleven dollars,	10,611 00
Barnstable County, .	Five thousand one hundred and thirty-three dollars,	5,133 00
Dukes County, .	Nine hundred and twenty-one dollars,	921 00
Nantucket County, .	Two thousand three hundred and twenty-five dollars.	2,325 00
		<hr/> \$300,000 00

SECT. 2. The treasurer of this commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city, town, district, or other place, taxed as aforesaid, requiring them, respectively, to assess, in dollars and cents, the sum so charged, according to the provisions of the seventh chapter of the Revised Statutes, and to add the amount of such tax to the amount of town and county taxes to be by them assessed in each city, town and district respectively.

Treasurer shall issue his warrant to selectmen, etc.

SECT. 3. The treasurer, in his said warrant, shall require the said selectmen or assessors respectively, to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities, towns or districts, to pay to the said treasurer of the commonwealth, on or before the fifteenth day of December, one thousand eight hundred and fifty-three, the sums against said cities, towns and districts, respectively, in this act contained; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said

Treasurer in his warrant shall require payment on or before Dec. 15, 1853.

Selectmen to return names of treasurers before Oct. 1, 1853.

treasurer of the commonwealth some time before the first day of October next.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 25, 1853.*]

Chap. 418

An Act to prevent Carelessness and Neglect of Common Carriers of Persons.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for gross carelessness of common carriers of persons, not to exceed \$5000 or imprisonment more than three years.

If any person having management or control of or over any railway train, steamboat, or other public conveyance used for the common carriage of persons, shall be guilty of gross carelessness or neglect in, or in relation to the conduct, management, or control of any such train, steamboat, or other public conveyance, while being so used for the common carriage of persons, he shall be punished by fine, not exceeding five thousand dollars, or imprisoned in the county jail not more than three years. [*Approved by the Governor, May 25, 1853.*]

Chap. 419

An Act in further addition to "An Act providing for the Appointment of Public Administrators."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Public administrator not to administer on an estate, if lawful heirs make application in writing to judge of probate, etc.

Nothing contained in the act entitled "An Act providing for the Appointment of Public Administrators" or the acts in addition thereto, shall be construed to authorize any public administrator to administer upon the estate of a person deceased, intestate, *provided*, one or more of the lawful heirs of the intestate shall make application in writing to the judge of probate, and shall claim the right to administer, or request that some other suitable person be appointed to administer, and the requisite bond be given. [*Approved by the Governor, May 25, 1853.*]

Chap. 420

An Act to incorporate the Maverick Wharf Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECT. 1. William Bramhall, Henry D. Gardner, Daniel D. Kelley, their associates and successors, are hereby made a corporation, by the name of the Maverick Wharf Company at East Boston : with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, duties, etc.

SECT. 2. Said company may purchase and hold, in such shares as may be convenient, all that tract of land, wharf and flats, with the buildings thereon, at East Boston, bounded north-easterly by Sumner street, three hundred and twenty-one feet, more or less ; south-easterly by land and flats now or late of William G. Holmes, Daniel D. Kelley, and Joseph F. Barber ; south-westerly by low water mark, or as far south-westerly as the law allows, three hundred and twenty-one feet, more or less ; north-westerly by land and flats now or late of Ebenezer Weeks Jr. ; or however otherwise bounded, described or measuring ; being the same premises described in a deed of James Cunningham to William Bramhall, Henry D. Gardner and Daniel D. Kelley, dated January 1, A. D., 1853, recorded with Suffolk deeds : *provided*, that no shares shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued, and no property except that herein specified, with personal estate necessary or convenient for the use and improvement thereof, the whole not to exceed two hundred thousand dollars, shall be held under this act.

May purchase and hold, in shares, tract of land, wharf and flats, etc.

Provided, etc.

Whole amount not to exceed \$200,000.

SECT. 3. The said company shall not, in virtue of this act, build any wharf or other structure on said premises not now authorized by law, nor extend or maintain any structure now made contrary to law, nor infringe the legal rights of any person, nor acquire any title to the land or flats of the commonwealth. And if the said company shall not, within six months from the passage of this act, remove or cause to be removed, so much of the solid structure of earth and masonry, existing upon or in front of the premises described in this act, as extends below mean low water mark, as the same is established by the survey or report of the commissioners, appointed under a resolve passed on the fifth day of March, in the year eighteen hundred and thirty-five ; and also remove or cause to be removed so much of the structure of wood now existing in front of said premises, or in Boston harbor, as is beyond the harbor-line established by law, this act shall be void. [*Approved by the Governor, May 25, 1853.*]

Not to infringe the legal rights of any person.

This act shall be void if said company shall not, etc.

An Act to set off a Part of the Towns of Chester and Blandford, and annex the same to Norwich. *Chap. 421*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the towns of Chester and Blandford, in the county of Hampden, with the inhabitants thereon, as

Parts of Chester and Blandford annexed to Norwich.

lies within the following described line, is hereby set off from said towns of Chester and Blandford, and annexed to the town of Norwich, in the county of Hampshire, and made a part of said county of Hampshire, to wit: Beginning at the southwest corner of Norwich, at a stone monument in the river at Chester Village, and running thence north, six degrees four minutes east, in the line between Chester and Norwich, six hundred and ninety rods, to a point forty-four rods north of the grist-mill in Norwich, known as the red mill; thence south, fifty degrees forty-five minutes west, seven hundred and eighty rods, to a point in the line between Chester and Blandford; thence south, forty-three degrees forty minutes east, eight hundred and thirty-five rods and thirteen links, to the angle in the line between Blandford and Russell, designated by a tree, known as "Love and Unity tree;" thence north, twenty-eight degrees forty-one minutes east, in the line between Blandford and Russell, and Blandford and Montgomery, three hundred and seventy-five rods, to the corner known as rock-house corner; thence north, seventy degrees west, in the line between Blandford and Norwich, two hundred and forty rods, to the first mentioned bound: *provided, however*, that all taxes heretofore assessed, or that may be assessed, within thirty days from the passage of this act, shall be paid in the same manner as heretofore, and the towns of Chester and Blandford, respectively, shall be holden to make the same appropriations on the territory thus set off, for roads, bridges and schools the current year, as though this act had not passed; and *provided also*, that the territory thus set off shall remain a part of Chester and Blandford respectively, for the purpose of electing governor, lieutenant-governor, and representatives to the general court, until the next decennial census shall be taken in pursuance of the thirteenth article of amendment to the constitution, and for the purpose of electing senators, so long as the present senatorial districts shall by the constitution be required to be permanent; and it shall be the duty of the selectmen of Norwich to make true lists of the persons residing on the territory hereby set to the town of Norwich, qualified to vote in such elections, and deliver the same to the selectmen of Chester and Blandford respectively, seven days at least before any such elections, and the said lists shall be taken, revised and used in the same manner as if prepared by the selectmen of Chester and Blandford.

SECT. 2. The town of Norwich shall, for the territory thus set off, pay annually, on or before the first day of November, commencing with the year one thousand eight hundred and fifty-four, to the treasurers of the towns of Chester and Bland-

Boundaries.

Provided that all taxes, etc.

Territory set off to remain a part of Chester and Blandford, for the purpose of electing governor, etc.

Selectmen of Norwich to furnish a correct list of voters, etc.

Norwich to pay certain sums annually to treasurer of Chester and Blandford.

ford, the following sums, to wit : to the town of Chester a sum equal to thirteen per cent, and to the town of Blandford a sum equal to two and three-fourths per cent., of all state and county taxes, which said towns of Chester and Blandford shall be holden to pay, until the taking and apportionment of the next state valuation.

SECT. 3. All persons, whose settlement was gained by or derived from a residence on the territory thus set off, shall be considered as holding a lawful settlement in the town of Norwich.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, May 25, 1853.]

An Act to incorporate the People's Ferry Company.

Chap. 422

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Donald McKay, Paul Curtis, Henry Jones, Henry Brevoort, Daniel Crowley, Henry D. Gardner, E. H. Barker, Ebenezer Atkins, Cyrus Washburn, their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the People's Ferry Company, for the purpose of establishing and supporting a ferry between the main land in the city of Boston and the island of East Boston, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said company shall be bound to furnish all such accommodation for the transportation of persons, horses, cattle, carriages, wagons, goods and merchandise, as the mayor and aldermen of the city of Boston for the time being shall, from time to time, consider that the public convenience requires ; and shall be allowed to collect and receive such tolls as the said mayor and aldermen shall determine : *provided, however,* that the rates of ferriage shall never be so much reduced as to reduce the yearly dividends of said company to an amount less than eight per cent. on the amount of capital stock actually invested.

SECT. 3. Said company may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of three hundred thousand dollars, to be divided into shares not exceeding twenty-five dollars each : *provided,* that no shares shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

SECT. 4. No person shall, directly or indirectly, hold or

Lawful settlement of persons set off.

Twenty years. Name. Purpose.

Company to furnish such accommodations as mayor and aldermen may require.

Tolls. Provided.

Real and personal estate \$300,000 in shares of \$25 each.

Provided.

No person to hold more than

\$50,000 of capital stock. Each share entitled to one vote.	own more than fifty thousand dollars of the amount of the capital stock : and every stockholder shall have a right to vote at all meetings of said company, and be entitled to as many votes as he has shares : <i>provided</i> , that no stockholder shall be entitled to more votes than are equal in number to one fifteenth part of the whole number of shares.
Provided.	
Officers, etc.	SECT. 5. The immediate government and direction of the affairs of said company shall be vested in a board of not less than five directors, who shall be chosen by the stockholders annually, and shall hold their offices until others shall be duly elected in their places.
Directors to make returns, etc.	SECT. 6. The directors of said company shall, from year to year, in the month of January, make a return to the said mayor and aldermen, under oath, of their acts and doings, receipts and expenditures, specifying the several items making up said expenditures ; and their books shall at all times be open to the inspection of any committee of the said mayor and aldermen, appointed for that purpose ; and if the directors of said company shall refuse or neglect to make such returns, they shall for every such refusal or neglect, forfeit a sum not exceeding five hundred dollars, to be recovered in an action of debt by the city of Boston, for its own use.
Penalty for neglect.	SECT. 7. Nothing in this act shall be construed to take from the said mayor and aldermen the power which they now have by virtue of the twenty-sixth chapter of the Revised Statutes, to license any person or persons as ferrymen from the main land in the city of Boston to the island of East Boston, whenever they may consider the public convenience or necessity to require it.
Mayor and aldermen to license ferrymen.	SECT. 8. Said company may purchase or otherwise take any land necessary for the purpose of said ferry : <i>provided</i> , said ferry shall be located in the Boston proper side, between the north of centre of Union Wharf and the Chelsea Ferry, and on the East Boston side between the north side of Steam Flour Mill Wharf and Miller's Wharf near the northerly end of Sumner street ; and if they shall not be able to obtain such land by an agreement with the owner thereof, they shall pay therefor such damages as shall be estimated and determined by the said mayor and aldermen ; and either party, if dissatisfied with any estimate made by said mayor and aldermen, may apply for a jury to the court of common pleas next to be held within the county of Suffolk, after the said estimate is made known to the parties : and thereupon the same proceedings shall be had as in case of estimating and enforcing payment of damages for laying out ways within the said city of Boston : <i>provided</i> , that the corporation hereby created shall not by vir-
May take any land necessary.	
Location of ferry.	
Mayor and aldermen to estimate land damages.	
May apply for jury, etc.	
Provided, etc.	

tue of the provision of this section, take possession of any land, until one hundred thousand dollars of its capital stock shall have been actually paid in.

SECT. 9. The city of Boston, by a vote of the city council, may, at any time, during the continuance of the charter of said company, purchase of the said company the said ferry, and all the franchise, property, rights and privileges of the said company, by paying them therefor, such a sum as will reimburse them the amount of capital paid in, with a net profit thereon, as may be agreed upon, not exceeding ten per cent. per annum, from the time of the payment thereof by the stockholders, to the time of such purchase.

City of Boston
may purchase
ferry, etc.

SECT. 10. For the purpose of making the purchase aforesaid, the city council of the city of Boston shall have authority to issue, from time to time, notes, scrip, or certificates of debt, to be denominated on the face thereof "The People's Ferry Scrip," to an amount not exceeding in the whole the sum of five hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this commonwealth; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than forty years from the issuing of the said scrip, notes, or certificates respectively. And the said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, on such terms and conditions as the said city council shall judge proper. All notes, scrip, and certificates of debt, to be issued as aforesaid, shall be signed by the treasurer and auditor, and countersigned by the mayor of the said city; and a record of all such notes, scrip, and certificates shall be made and kept by the said treasurer and auditor respectively.

City council
may issue scrip,
etc.

SECT. 11. Whenever said city of Boston shall purchase said ferry of said company, all the rights, powers, and authority given to said company by this act shall be vested in and exercised by said city of Boston, subject to all the duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the said city council shall from time to time ordain, appoint and direct. And said city of Boston shall have the right to collect and receive the same rates of toll as are allowed by the second section of this act to said company: *provided*, that whenever the tolls collected on said ferry shall be sufficient to reimburse the said city of Boston for the cost of such ferry, with such a per cent. interest, annually, as said city of Boston pays on said "People's Ferry Scrip," and for all the expenses of the repairs and additions to said ferry, and all current and incidental expenses of its su-

When purchase
is made, rights
etc., to be vested
in city of Boston.

City may collect
tolls.

Provided.

- perintendence and management, and to provide such a fund as the said city council may regard sufficient for the future support of said ferry, then the tolls on said ferry shall cease, and said ferry shall ever after be maintained by said city of Boston as a free ferry : *provided, also*, that the said city council shall have the power and authority to re-establish such rates of toll on said ferry as may be sufficient to pay the current and incidental expenses of the superintendence and management thereof, whenever the fund aforesaid shall be found insufficient for its support. And that the income, rents, and receipts of said ferry, after deducting all expenses and charges of support and maintenance, shall be set apart as a sinking fund, and shall be appropriated for and towards the payment of the principal and interest of said scrip, and for the accumulation of the fund aforesaid, and shall, under the management, control, and direction of the mayor, treasurer, and auditor of said city, or the major part of them for the time being, who shall be trustees of the said fund, be applied solely to the use and purpose aforesaid. And the said trustees shall, whenever thereto required by said city council, render a just, true, and full account to the said city council of all their receipts, payments, and doings under the provisions of this section.
- Provided, also.**
- Sinking fund.**
- Trustees to render account.**
- Act to be void if ferry not opened in five years.**
- First meeting, how to be called.**
- SECT. 12. If the said ferry shall not be established and opened for public use within five years from the passage of this act, then this act shall be void.
- SECT. 13. The first meeting of said corporation shall not be called unless the notice for the same shall be signed by the majority of the persons named in this act of incorporation. [*Approved by the Governor, May 25, 1853.*]

SECRETARY'S OFFICE.

By the 256th chapter of the acts of 1851, entitled "An act to provide for the Change of Names of Persons," it is provided that "the judges of probate for the several counties shall annually, in the month of December, make a return to the office of the Secretary of the Commonwealth of all changes of names made under and by virtue of this act, and such returns shall be published in a tabular form, with the statutes of each year." And the following returns are all that have been received at this department in accordance with said act : —

ESSEX.

March 30, 1852. David Brown, of Newburyport, takes the name of David Fellows Brown.

May 4. Moses Monarch, of Salem, takes the name of Charles Augustus Averill.

May 18. Philander Basford, of Danvers, takes the name of Philander Randolph Basford.

May 18. Winthrop Brown, of Ipswich, takes the name of Henry Ward Brown.

June 8. Michael D. Hart, of Lawrence, takes the name of Michael Desmond Hart.

August 17. Patrick McGinley, of Lynn, takes the name of Joseph Boynton.

August 17. Susan Seeley, of Lynn, takes the name of Susan Samson.

December 7. William S. Babcock, of Manchester, takes the name of William Babcock Sturgis.

Decreed by Daniel A. White, Judge of Probate for the county of Essex.

MIDDLESEX.

May 17, 1852. Charles Smith, of Charlestown, takes the name of Charles Skippins.

May 17. Louisa Smith, of Charlestown, takes the name of Louisa Skippins.

October 12. Consider Glass Davis takes the name of Sydney Glass Davis.

Decreed by S. P. P. Fay, Judge of Probate for the county of Middlesex.

WORCESTER.

George W. Rice (a minor) takes the name of Geo. Edward Rice.

Wolf Humes takes the name of William Humes.

Horace De Witt Smith takes the name of Horace Smith De Witt.

Arthur Stillman (a minor) takes the name of Arthur Stillman Whitney.

George Elbridge Fisher takes the name of George Woolsey Elbridge Fisher.

Decreed by Thomas Kinnicutt, Judge of Probate for the county of Worcester.

HAMPSHIRE.

July 6, 1852. Ellen Matilda Flinn, of Pelham, takes the name of Ellen Matilda Draper.

Decreed by Ithamar Conkey, Judge of Probate for the county of Hampshire.

HAMPDEN.

February 3, 1852. Jonathan Hoar, Caroline Hoar, Mary Bobbins Hoar, Albert King Hoar, Geo. Adams Hoar, Rodolphus Hoar, Pamela Hoar and Louisa Adelaide Hoar, all of Monson respectively, take the names of Jonathan Homer, Caroline Homer, Mary Robbins Homer, Albert King Homer, George Adams Homer, Rodolphus Homer, Pamela Homer, and Louisa Adelaide Homer.

Decreed by Oliver B. Morris, Judge of Probate for the county of Hampden.

NORFOLK.

July 17, 1852. Elizabeth Jane Clapp, of Dorchester, takes the name of Elizabeth Jane Jenkins.

Sept. 18. Mary E. Davis, of Dedham, (a minor) takes the name of Eveline Augusta Noyes.

Oct. 5. Florence Corbett, of Dedham, (a minor) takes the name of Florence Thompson.

Decreed by S. Leland, Judge of Probate for the county of Norfolk.

PLYMOUTH.

May 4th, 1852. George Henry John Ahrenholtz, of Middleborough, takes the name of Geo. Henry John Arnold, and his wife, the name of Elizabeth Arnold. Henry Herman, of Middleborough, takes the name of Henry Arnold. Patrick Murray, of E. Bridgewater, takes the name of James Murray.

Decreed by Aaron Hobart, Judge of Probate for the county of Plymouth.

BARNSTABLE.

August 10, 1852. Joseph Mash, of Sandwich, takes the name of Joseph Marsh. Mary Ann Mash, of Sandwich, takes the name of Mary Ann Marsh. Joseph E. Mash, of Sandwich, takes the name of Joseph E. Marsh. Geo. H. Mash, of Sandwich, takes the name of Geo. H. Marsh. Jane E. Mash, of Sandwich, takes the name of Jane E. Marsh. Chas. W. Mash, of Sandwich, takes the name of Chas. W. Marsh. Edith M. Mash, of Sandwich, takes the name of Edith M. Marsh. Mary L. Mash, of Sandwich, takes the name of Mary L. Marsh. Wm. J. S. Mash, of Sandwich, takes the name of Wm. J. S. Marsh. Victoria Mash, of Sandwich, takes the name of Victoria Marsh. Josephine Mash, of Sandwich, takes the name of Josephine Marsh.

Decreed by Nymphas Marston, Judge of Probate for the County of Barnstable.

NANTUCKET.

Henry J. Defrees takes the name of Henry J. Defriez.

Decreed by Samuel Mitchel, Judge of Probate for the county of Nantucket.

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

Resolve to pay the late acting Clerk of the House of Representatives. *Chap. 1*

Resolved, That there be allowed and paid out of the treasury of the commonwealth to Lewis Josselyn, the sum of thirty dollars in full for his services as acting clerk of the house of representatives during the organization thereof, at the commencement of the present session, and that a warrant be drawn accordingly. [*Approved by the Governor, February 1, 1853.*]

\$30 to acting clerk during organization of legislature.

Resolve authorizing the Treasurer to borrow Money in anticipation of the Revenue. *Chap. 2*

Resolved, That the treasurer of this commonwealth be, and he hereby is authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this commonwealth, or of any corporation therein, or of any individual or individuals, such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, and that he repay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof and remaining unpaid, shall not, at any time, exceed the sum of two hundred thousand dollars. [*Approved by the Governor, February 8, 1853.*]

May borrow such sums as may be necessary, not exceeding \$200,000 unpaid.

Resolve in favor of William C. Poland.

Resolved, For reasons set forth in his petition, that there be allowed and paid out of the treasury of the commonwealth, to William C. Poland of West Roxbury, the sum of fifty-seven

\$57.50 as interest on a draft.

Also \$20 for funeral expenses, and for expenses of extending state prison.

dollars and fifty cents, being the sum due him as interest on a certain draft accepted and paid by the treasurer of the commonwealth: also the sum of twenty dollars in full for the funeral expenses of William Grady, and all claim for the expenses of extending the state prison: and that a warrant be drawn therefor accordingly. [*Approved by the Governor, February 11, 1853.*]

Chap. 4

\$2 per day to each member of senate and house and \$2 for every ten miles travel.

Same to members of the council.

President of senate and speaker of house \$2 per day extra.

Resolve for the Pay of the Council, Senate, and House of Representatives.

Resolved, That there be paid out of the treasury of this commonwealth, to each member of the senate and house of representatives, two dollars for each and every day's attendance during the present political year, and two dollars for every ten miles travel from their respective places of abode, once in each session, to the place of the sitting of the general court; and also to each member of the council two dollars for each and every day's attendance at that board, at every session thereof, during the present political year, and two dollars for every ten miles travel from their respective places of abode, once in each session thereof; and to the president of the senate and the speaker of the house of representatives, each two dollars for every day's attendance in addition to their pay as members; and that warrants be drawn accordingly, on the orders of the respective branches. [*Approved by the Governor, February 11, 1853.*]

Chap. 5

Secretary authorized to contract with register of deeds for Plymouth county for an index of the old colony records.

Resolve in addition to a Resolve in relation to the Old Colony Records.

Resolved, That the secretary of the commonwealth be, and he hereby is, authorized to contract with the register of deeds for the county of Plymouth, for the purposes and upon the conditions specified in the resolve passed May the twentieth, in the year eighteen hundred and fifty-two, entitled "A Resolve in relation to the Old Colony Records," instead of the register of probate for said county, as is provided in the resolve aforesaid. [*Approved by the Governor, February 11, 1853.*]

Chap. 6

Land agent discharged from payment of \$38,477 82, acknowledged in his account of Dec. 31, 1852.

Resolve on the Accounts of the Land Agent.

Resolved, That Samuel Warner, Jr., Land Agent of the commonwealth, be, and he hereby is discharged from the payment of the sum of thirty-eight thousand four hundred and seventy-seven dollars and eighty-two cents, the receipt of which is acknowledged in his account with the commonwealth, as rendered on the thirty-first day of December, in the year one thousand eight hundred and fifty-two. [*Approved by the Governor, February 12, 1853.*]

Resolve in favor of the Town of Great Barrington.

Chap. 7

Resolved, There be allowed and paid out of the school fund of this commonwealth to the treasurer of the town of Great Barrington, the sum of one hundred and fifty-two dollars, being the amount due said town as their proportion of the school fund for the year eighteen hundred and fifty-two, and that a warrant therefor be drawn accordingly. [*Approved by the Governor, February 12, 1853.*]

\$152 to town of Great Barrington as their proportion of school fund for 1852.

Resolve for the Pay of the Legislature and its Officers, monthly.

Chap. 8

Resolved, That there be paid out of the treasury of the commonwealth, to each member of the legislature, at the end of every month during its session, the sum of fifty dollars: *provided*, it shall appear by the certificate of the clerk of either house, that the pay of the member for the month, at two dollars per day, amounts to that sum not including travel. Also, that there be paid to the clerks, messengers, door-keepers and pages of the two houses, a proportionate sum upon producing the proper certificate. And his excellency the governor is hereby authorized to draw his warrant on the treasurer, for a sum not exceeding one hundred thousand dollars, for the purpose above specified. [*Approved by the Governor, February 18, 1853.*]

Monthly pay of members.

\$100,000.

Resolve on the Petition of the Massachusetts Teachers' Association.

Chap. 9

Resolved, That there be paid annually in the month of August, for the term of five successive years, from and after the year one thousand eight hundred and fifty-three, to the president or treasurer of the Massachusetts Teachers Association, the sum of three hundred dollars, to be applied to the purposes of said association: the said amount to be deducted from the proceeds of the sales of the public lands, or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, entitled "An Act to designate the fund for the payment of the salary of the land agent, and of appropriations for educational purposes," and that warrants be drawn accordingly. [*Approved by the Governor, February 19, 1853.*]

\$300 annually, for five years, to Mass. teachers' association, to be applied to the purposes of said association.

Resolve for the Pay of the Chaplains of the Legislature.

Chap. 10

Resolved, That there be allowed and paid out of the treasury of this commonwealth, to the chaplain of the senate and to the chaplain of the house of representatives, one hundred dollars each for their services during the present session; and that warrants be drawn accordingly. [*Approved by the Governor, February 19, 1853.*]

\$100 each to chaplains.

Chap. 11

Resolve for the Pay of Clerks of the Legislature.

\$10 per day to each clerk and \$6 per day to each assistant clerk.

Resolved, That there be allowed and paid out of the treasury of the commonwealth, to the clerk of the senate and to the clerk of the house of representatives, each, the sum of ten dollars a day, and to the assistant clerk of the senate, and to the assistant clerk of the house of representatives, each, the sum of six dollars a day, for each and every day they have been or may be employed in that capacity, during the present session of the legislature; and that there be further paid to the clerk of the senate and the clerk of the house of representatives, the sum of one hundred and fifty dollars each, for copying the journals for the state library, as required by the orders of the two houses; and that warrants be drawn accordingly. [*Approved by the Governor, February 19, 1853.*]

\$150 to each clerk for copying journals for state library.

Chap. 12

Resolve on the Petition of Jonathan R. Childs.

\$20 for expenses of sickness during session.

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the treasury of this commonwealth, to the said Jonathan R. Childs, the sum of twenty dollars, in full for medical attendance and other expenses during his sickness, while attending the legislature of eighteen hundred and fifty-two, and that a warrant be drawn therefor. [*Approved by the Governor, February 21, 1853.*]

Chap. 13

Resolve in favor of the Town of Sherborn.

Sum to be reserved from school fund for benefit of town of Sherborn.

Resolved, That there be reserved out of the income of the school fund for the present year, for the benefit of the town of Sherborn, a sum of money equal to what that town would have received from the income of the same for the last year, if the return of the school committee of said town had been received in due season; and that the sum so reserved, be added to the share, if any, to which the said town may be entitled, from the income of the said fund for the present year. [*Approved by the Governor, March 12, 1853.*]

Chap. 14

Resolve on the Petition of James Knott and John Tillson.

Judge of probate for Suffolk, upon petition, may cause to be set off certain real estate, etc.

Resolved, For reasons set forth in said petition, that the judge of probate for the county of Suffolk, is hereby authorized, upon the application of James Knott and John Tillson, to cause to be set out in severalty and in fee simple, unto the said James Knott, one undivided fifth part of certain parcels of real estate, now held by said Knott and Tillson, as trustees in common and undivided, which parcels of real estate are described in certain deeds of indenture, between said James

Knott, and James Knott, late of the city of Boston, deceased, dated on the thirteenth day of August, in the year eighteen hundred and fifty, and recorded with Suffolk deeds, lib. 618, fol. 66. : *provided*, that the proceedings before said judge of probate shall be in conformity to the provisions of chapter 103 of the Revised Statutes, on the partition of lands owned by several persons ; *and provided also*, that the liens created and described in said deeds of indenture be not impaired or affected by said partition. [*Approved by the Governor, March 12, 1853.*]

Provided.
Provided, also.

Resolve in favor of the Guardian of the Punkapog Tribe of Indians, for the Benefit of Polly Crowd. *Chap. 15*

Resolved, That for the reasons set forth in the petition of Polly Crowd and the report herewith made, there be paid out of the treasury of the commonwealth, to the guardian of the tribe of which said petitioner is a member, the sum of fifty dollars a year, for and during the natural life of said petitioner : and that warrants be drawn accordingly. [*Approved by the Governor, March 12, 1853.*]

\$50 a year to Polly Crowd during her natural life.

Resolve in favor of Overseers of Poor of Nantucket.

Resolved, For reasons set forth in their petition, that there be allowed and paid out of the treasury of the commonwealth, to the overseers of the poor of the town of Nantucket, the sum of four hundred dollars, in addition to what said overseers may be legally entitled to receive from the treasury, for and on account of the expenses of the support of the emigrants described in said petition as state paupers. [*Approved by the Governor, March 12, 1853.*]

Chap. 16
\$400 to Nantucket for expenses of support of emigrants as state paupers.

Resolve in favor of the Guardian of the Punkapog Tribe of Indians, for the Benefit of Elizabeth Bancroft. *Chap. 17*

Resolved, That for the reasons set forth in said petition, there be paid out of the treasury of the commonwealth, to the guardian of the Punkapog tribe of Indians for the benefit of Elizabeth Bancroft, a member of said tribe, the sum of fifty dollars, and that a warrant be drawn accordingly. [*Approved by the Governor, March 12, 1853.*]

\$50 to be paid guardian of Punkapog tribe of Indians for benefit of Elizabeth Bancroft.

Resolve in addition to a Resolve authorizing the Board of Education to appoint Agents. *Chap. 18*

Resolved, That the authority given by the resolve, dated April twenty-fourth, eighteen hundred and fifty-one, to the

Authority of resolve of April 24, 1851, extended.

ed for a term of three years.

board of education, to appoint two or more suitable persons to visit the towns and school districts; and to the governor to draw his warrant on the treasury for a sum not exceeding twenty-five hundred dollars annually, to defray the expense of the same be continued for a further period not exceeding three years. [*Approved by the Governor, March 17, 1853.*]

Chap. 19

Resolve on the Petition of Elias E. Davison, Administrator of the Estate of Elias Davison, deceased.

Appointment of Elias E. Davison as administrator of estate of Elias Davison, confirmed.

Resolved, For reasons set forth in said petition, that the said Elias E. Davison is hereby authorized to make, file and have recorded, in the court of probate for the county of Middlesex, an affidavit of his having given due notice of his appointment by said court, as administrator of the estate of Elias Davison, late of Charlestown, in said county of Middlesex, deceased; which affidavit, when filed and recorded in said court, shall be as effectual to perpetuate the evidence of his having given due notice of his appointment as said administrator, as if made, filed and recorded within the period prescribed by law. [*Approved by the Governor, March 17, 1853.*]

Chap. 20

Resolve for the Payment of Salary of the late Superintendent of Alien Passengers for Boston.

Widow of late superintendent of alien passengers to receive salary for quarter ending June 30, 1853.

Resolved, That there be paid from the treasury of the commonwealth, to the widow of Jothan B. Munroe, late superintendent of alien passengers for the city of Boston, such a sum as would be equal to his salary as one of the commissioners on aliens and state paupers, for the quarter ending the thirtieth day of June, 1853, under the act of 1851, chapter 342; and that the present superintendent be directed to pay over to said widow, and charge in his account, such further sum as would be equal to said Munroe's salary as superintendent for the same period [*Approved by the Governor, March 17, 1853.*]

Chap. 21

Resolve on the Petition of Rowland Ellis, Trustee.

Rowland Ellis as trustee of Emeline Josselyn authorized to raise \$2000 on mortgage of real estate.

Resolved, For reasons set forth in said petition, that said Rowland Ellis be, and he hereby is authorized and empowered, to raise by mortgage of the real estate of Emeline Josselyn, wife of Lewis Josselyn, held by him, or which he was entitled to hold, as her trustee, on the tenth day of February, eighteen hundred and fifty-three, a sum of money not exceeding two thousand dollars, and the deed or deeds of mortgage of said estate, duly executed by said Ellis, shall be valid and effectual to secure the payment of the promissory note or notes of said Ellis, for amounts not exceeding two thousand dollars in the

whole, with lawful interest thereon: *provided*, that no such mortgage shall be made without the written consent of said Lewis and Emeline; *provided, also*, that all moneys raised by said Ellis, under the authority of this resolve, shall be invested in real estate, or a mortgage or mortgages of real estate, in the city of Lynn, in the county of Essex and commonwealth aforesaid; but this proviso is not to affect the validity of any conveyance or mortgage made by said Ellis. [*Approved by the Governor, March 19, 1853.*]

Provided.

Provided, also.

Resolve for the Publication of Report on School Districts.

Chap. 22

Resolved, That the secretary of the Board of Education, cause to be printed, in cheap pamphlet form, and distributed through the towns in the commonwealth, so much of his last annual report as pertains to the district system of common schools; the edition to be of such number as the Board of Education may decide to be requisite; and the cost to be deducted from the proceeds of the public lands, or the school fund, according to the provisions of the act of the year 1846, chapter 219; and that his excellency the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, March 19, 1853.*]

Report on district school system to be printed and distributed by secretary of board of education.

Resolve on the Petition of Julia Ludington, Executrix.

Chap. 23

Resolved, For reasons set forth in said petition, that said Julia Ludington be, and she hereby is authorized and empowered to borrow the sum of one thousand dollars to be applied by her to the payment of the debts proved against the estate of Corbet Ludington, late of the city of Boston, deceased, together with the expenses of administration thereon, and to secure the payment of the same by giving a mortgage on the real estate left by the said Corbet Ludington; the same being a house and lot, situate on Charles street, in said city of Boston. *provided, however*, that the said Julia Ludington shall first obtain in writing the consent of all the heirs of the said Corbet Ludington who are of legal age, and the consent in writing of the guardians of all the minor heirs of said Corbet, and shall also give a bond with good and sufficient sureties to the judge of probate for the county of Suffolk, conditioned for the faithful appropriation of all the money received by her, by virtue of said mortgage. [*Approved by the Governor, March 24, 1853.*]

Julia Ludington, executrix of estate of Corbet Ludington, authorized to raise \$1000 by mortgage of certain real estate.

Provided.

Chap. 24

Resolve on the Petition of the Worcester City Guards.

Additional sum
of \$93 10 allowed
to Worcester
City Guards.

Resolved, For reasons set forth in said petition and the accompanying report, that there be paid out of the treasury of the commonwealth, to John M. Goodhue, for the benefit of company C. in the eighth regiment of light infantry of the Massachusetts Volunteer Militia, in addition to the sum of one hundred and twenty-five dollars and seventy cents already allowed, the further sum of ninety-three dollars and ten cents ; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 24, 1853.*]

Chap. 25

Resolve on the Petition of Sophronia Nichols, Residuary Legatee and Guardian.

Sophronia
Nichols,
guardian, etc.,
authorized to sell
and convey cer-
tain real estate.

Resolved, For reasons set forth in the petition aforesaid, that Sophronia Nichols, of Gardner, in the county of Worcester, widow, be, and she hereby is, authorized and empowered to sell, either at public or private sale, and to convey in fee simple, by a good and sufficient deed, discharged from all trust and liability for the application of the purchase money, the real estate mentioned in said petition, consisting of a piece of land, of about one-fourth of an acre, with a dwelling house thereon, situate in the southerly part of said Gardner, and bounded northerly by land of Stephen Taylor, easterly by a town road, southerly and westerly by land of Greenwood and Wright : *provided*, that the said Sophronia Nichols shall first give bond, with sureties, to the satisfaction of the judge of probate for said county of Worcester, to apply and account for the consideration to be received by her, for said estate, agreeably to law, and according to the terms and requisitions of the will of her late husband, William Nichols, deceased. [*Approved by the Governor, March 24, 1853.*]

Provided.

Chap. 26

Resolve on the Petition of Mary E. Sweetser.

Mary E. Sweetser,
guardian, au-
thorized to sell
and convey to
Edward Emerson
certain real estate
in Charlestown.

Resolved, For reasons set forth in said petition, that Mary E. Sweetser, guardian of Mary Caroline Sweetser, a minor, be and she is hereby authorized and empowered to sell and pass deeds to convey unto Edward Emerson, of Hollis, in fee, one undivided fourteenth part of a certain lot and buildings thereon, situate on Maine street in Charlestown, in the county of Middlesex, belonging to said Mary Caroline, at the rate of three thousand dollars for the entire estate : said real estate being the same mentioned in the last will and testament of the late Seth Sweetser, Esquire, deceased, of Newburyport, and in the said undivided part in which said minor is interested as mentioned therein. [*Approved by the Governor, March 24, 1853.*]

Resolve concerning the Ventilation of School Houses.

Chap. 27

Resolved, That it shall be the duty of the secretary of the Board of Education to instruct one or both of the agents of that board, when visiting the schools throughout the commonwealth, during the year, to make particular examination of the school houses in the several towns, with regard to ventilation, and to communicate to the board, in his next annual report, the result of their inquiries, with such information concerning the defects to be remedied, the expense of any alterations required, and the provisions that should be made for ventilation in new school houses to be hereafter erected, as he may be able to collect, in order that the same may be laid before the legislature at its next annual session. [*Approved by the Governor, March 24, 1853.*]

Secretary of board of education to instruct agents to make particular examination of school houses with regard to ventilation, etc.

Resolve concerning Reports of the Proceedings and Debates in the Convention to revise the Constitution.

Chap. 28

Resolved, That the secretary of the commonwealth is authorized and directed to purchase, for the use of the commonwealth, eight hundred copies of such printed report of the proceedings and debates in the convention of delegates, to be holden in May, in the year eighteen hundred and fifty-three, in this commonwealth, to revise the constitution thereof, as shall be published by any reporter, who may be appointed and authorized by the said convention to report and publish the same; and so many of said copies as shall be necessary therefor shall be distributed by said secretary, in the same way and manner as the reports of the decisions of the supreme judicial court of this commonwealth are now by law distributed by the secretary, and that a copy be also distributed to each member of the present legislature; and the residue of said copies shall be distributed as the governor and council shall direct; and after said number of copies are delivered to the secretary, his excellency the governor, by and with the advice of the council, is authorized to draw a warrant on the treasurer of the commonwealth for the payment thereof, at the wholesale booksellers' market price thereof. [*Approved by the Governor, March 29, 1853.*]

Secretary authorized to purchase 800 copies of proceedings and debates in convention to be held May, 1853.

How distributed.

Resolve in favor of John V. Low.

Chap. 29

Resolved, That, for the reasons set forth in his petition, there be allowed and paid out of the treasury of the commonwealth, to John V. Low, the assistant messenger to the governor and council, the pay to which he would be entitled were he not prevented by sickness from the performance of his

Pay of John V. Low, assistant messenger.

duties, and that such pay be continued during the present session of the legislature. [*Approved by the Governor, March 29, 1853.*]

Chap. 30

\$160 to George Fisk.

Resolve on the Petition of George Fisk.

Resolved, For reasons set forth in the said petition and accompanying report, that there be allowed and paid out of the treasury of the commonwealth, to George Fisk of Boston, the sum of one hundred and sixty dollars, and that a warrant be drawn accordingly. [*Approved by the Governor, March 29, 1853.*]

Chap. 31

\$1417 01 in final settlement for enlargement of state prison.

Resolve for the final Payment of Expenses for the Enlargement of the State Prison.

Resolved, That the sum of fourteen hundred and seventeen dollars and one cent, be appropriated in final settlement for the completion of the enlargement of the state prison, as authorized and required by act, chap. 304, of 1850; and by act, chap. 286, of 1851; and also by resolves chap. 69, of 1852; to be paid under the direction of the commissioners appointed to superintend the enlargement of the Massachusetts state prison; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 2, 1853.*]

Chap. 32

Commissioners to reduce to a proper system the various laws regulating appointment of pilots, etc.

Resolve relating to Pilotage and the Pilot Laws.

Resolved, That his excellency the governor, with the advice and consent of the council, be requested and empowered to appoint a commission, to consist of three persons, for the purpose of revising and reducing to a proper system, the various statutes of the commonwealth regulating the appointment of pilots, and the subject of pilotage generally upon the coasts and harbors of this state; and that the said commissioners report the result of their labors, when the same are completed, to the governor and council, with such new provisions of law as they may deem expedient to render the system harmonious and efficient. The compensation of said commissioners to be fixed by the governor and council, and the report of the same to be communicated by the governor to the legislature. [*Approved by the Governor, April 8, 1853.*]

Chap. 33

\$2 50 per week to overseers of poor of Gay Head.

Resolve in favor of the Overseers of the Poor of Gay Head.

Resolved, For reasons set forth in the petition, that there be allowed and paid out of the treasury of the commonwealth,

to Zaccheus Howwaswe, Samuel Peters, and Aaron Cooper, or their successors, overseers of the poor of Gay Head, the sum of two dollars and fifty cents per week, for the support of Clara Shepherd, a lunatic; and the same shall be paid during her lunacy; and that warrants be drawn accordingly. [*Approved by the Governor, April 8, 1853.*]

for support of
Clara Shepherd,
a lunatic.

Resolve to pay for the Compilation of the Reports of Contested Elections. *Chap. 34*

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the commissioners appointed under the resolve of the year one thousand eight hundred and fifty-two, chapter seventy-five, the sums charged by them respectively, as follows, viz: to Luther S. Cushing, the sum of one thousand dollars; to Charles W. Storey, the sum of four hundred and fifty dollars; and to Lewis Josselyn the sum of one hundred and fifty dollars, in full compensation for their services in preparing and superintending the publication of a new edition of the reports of contested elections; and that warrants be drawn accordingly. [*Approved by the Governor, April 8, 1853.*]

\$1,600 to com-
missioners for
compiling reports
of contested
elections.

Resolve in favor of Ebenezer Luther.

Chap. 35

Resolved, For reasons set forth in the petition, that there be allowed and paid out of the treasury of the commonwealth to Ebenezer Luther, superintendent of alien passengers for the port of Fall River, the sum of twenty-five dollars, in full for his services; and that a warrant be drawn accordingly. [*Approved by the Governor, April 8, 1853.*]

\$25 to Ebenezer
Luther, superin-
tendent of alien
passengers for
Fall River.

Resolve for paying the Current Expenses of the State Reform School. *Chap. 36*

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the trustees of the State Reform School, to enable them to defray the current expenses of said school for the present year, the sum of thirty thousand dollars, in manner following, to wit: the sum of seven thousand five hundred dollars forthwith, and the remainder in three equal quarterly payments, the first of such payments to be made on the first day of April, instant, and that warrants be drawn accordingly. [*Approved by the Governor, April 11, 1853.*]

\$30,000 to defray
expenses of state
reform school for
current year.

Resolve on the Petition of John Hunt, and Sarah Jane Hunt, his Wife. *Chap. 37*

Resolved, For the reasons set forth in their said petition, that the petitioners be, and they hereby are authorized to pro-

Contract between
John Hunt,
and Sarah

Jane Hunt entered into before their intermarriage, to be recorded within 20 days and become valid and have same effect as if, etc.

cure to be recorded in the Registry of Deeds for the county of Norfolk, the contract in writing between them, entered into in contemplation of their intermarriage, and before the happening of that event, which is referred to in their petition ; and that, if said contract shall be recorded in the Registry of Deeds for said county of Norfolk, within twenty days after the passage of this resolve, it shall be as valid and effectual, and shall have the same force and effect, in every respect, as if it had been thus recorded in said Registry of Deeds for said county of Norfolk, before the intermarriage of the petitioners, or within ninety days thereafter, as provided by an act of the legislature of this commonwealth, entitled, "An act in addition to the several acts concerning husband and wife," passed March 25, 1845. [*Approved by the Governor, April 12, 1853.*]

Chap. 38

Resolve on the Petition of William Murphy, John Stevens, and Michael Farren.

William Murphy, John Stevens, and Michael Farren, committee, etc., authorized to make and deliver to John Fitzpatrick a confirmatory deed of conveyance of certain real estate.

Resolved, For reasons set forth in said petition, that the conveyance of a certain parcel of real estate, situate in Waltham, in the county of Middlesex, and occupied and improved by the Catholic society of said town, made by said William Murphy, John Stevens, and Michael Farren, a committee of said society, to John B. Fitzpatrick of Boston, in the county of Suffolk, clerk, be and the same hereby is declared to be valid and effectual to all its intents and purposes, and to vest in the said Fitzpatrick, his heirs and assigns, all the right, title, interest and privilege of the said society in and to the said real estate, in fee simple and discharged of the trust referred to, and described in said petition ; and that the petitioners above named be and they are hereby authorized, in consideration of the sum of money heretofore received by them from the said Fitzpatrick, and for other good and lawful considerations, to make, execute and deliver to the said Fitzpatrick, his heirs and assigns, a confirmatory deed of conveyance of said real estate to the end and for the purpose that the title of the said Fitzpatrick, his heirs and assigns, to said real estate shall be forever valid and effectual in law as if derived from the grantor described in said petition, by his deed in fee, and discharged of the trust aforesaid. [*Approved by the Governor, April 12, 1853.*]

Chap. 39

Resolve on the Petition of the Selectmen of Malden.

Sum to be reserved from school fund for

Resolved, For reasons set forth in said petition, that there be reserved out of the present year's income of the school

fund, for the benefit of the town of Malden, a sum equal to what said town would have received from the income of the same for the last year, if the report of the school committee of said town had been received in due season at the office of the secretary of the commonwealth; and that the sum so reserved be added to the share, if any, to which said town may be entitled from the income of the said fund for the present year. [*Approved by the Governor, April 12, 1853.*]

benefit of town
of Malden.

Resolve on the Petition of the Massachusetts Charitable Eye and Ear Infirmary. *Chap. 40*

Resolved, For reasons set forth in said petition, that there be allowed and paid, out of the treasury of the commonwealth, the sum of two thousand and five hundred dollars per annum, to the trustees of the Massachusetts Eye and Ear Infirmary, for the term of five years from the fourteenth day of April, instant, in aid of the charitable purposes of said infirmary, and that warrants be drawn accordingly. [*Approved by the Governor, April 12, 1853.*]

\$2,500 per year
for five years to
Mass. Eye and
Ear Infirmary.

Resolve on the Petition of Joseph Atwood.

Chap. 41

Resolved, For the reasons set forth in said petition, that Joseph Atwood, of Orleans, in the county of Barnstable, trustee under the will of Nehemiah Atwood, late of Brewster, in the county of Barnstable, of the estate of Nehemiah Atwood, junior, be and he hereby is authorized to sell, at public or private sale, and by all necessary deeds and instruments, to convey all and singular, the tracts or parcels of land which were devised to said Joseph Atwood, trustee as aforesaid, by the will of said Nehemiah Atwood, deceased: *provided* that said Joseph Atwood shall first give bond to the judge of probate for said county of Barnstable, in such sum and with such sureties as said judge shall approve, that he will faithfully execute the powers herein granted to him, and will hold, invest and apply the proceeds of such sale to the same uses and ultimate disposal, as is provided in said will respecting said real estate. [*Approved by the Governor, April 12, 1853.*]

Joseph Atwood,
trustee, etc.,
authorized to
sell and convey
certain tracts or
parcels of land.

Provided, etc.

Resolve on the Petition of Walter Warriner.

Chap. 42

Resolved, For reasons set forth in said petition, that Walter Warriner of Springfield, in the county of Hampden, trustee under the will of Caius Bliss, late of said Springfield, deceased, of the estate of Alfred Bliss, be and he hereby is

Walter Warriner,
trustee, etc., au-
thorized to sell
and convey cer-
tain real estate in
Springfield.
Provided etc.

authorized to sell, at public or private sale, and to convey by all necessary deeds and instruments, all and singular, the tracts or parcels of land situate in said Springfield, which were set off to the said Walter Warriner as such trustee, in the partition of the real estate of said Gaius Bliss, made under the authority of the probate court for said county of Hampden, and accepted by said court on the first Tuesday of February, in the year eighteen hundred and fifty-two: *provided*, that the said Walter Warriner shall first give bond to the judge of probate for said county of Hampden, in such sum and with such surety or sureties as said judge shall approve, that he will faithfully execute the powers herein granted to him, and will hold, invest and apply the proceeds of such sales to the same uses and ultimate disposal, as is provided in said will respecting said real estate. [*Approved by the Governor, April 12, 1853.*]

Provided, etc.

Chap. 43

Resolve upon the Petition of Samuel Jennison, Jr., Guardian.

Samuel Jennison, guardian, authorized to sell the right, title, and interest of John and Frank T. Richardson, or either of them, jointly or severally, in and to any lands described in Resolve of May 7, 1851, etc.

Resolved, For reasons set forth in said petition, that the power and authority conferred upon said Samuel Jennison, Jr. of Newton, in the county of Middlesex, guardian of John Richardson, Lydia B. Richardson and Frank T. Richardson, minor children and heirs of John H. Richardson, late of Wattertown in said county, deceased, by virtue of a resolve of the legislature of this commonwealth, passed on the seventh day of May, in the year one thousand eight hundred and fifty-one, be so extended that the said Jennison be and he is hereby authorized and empowered to sell and convey the right, title and interest of the said John and Frank T. Richardson, or either of them, jointly or separately, in and to any part of the lands in said resolve described, in as full and ample a manner as he was by said resolve authorized and empowered to sell and convey the estate of said John, Lydia B. and Frank T. Richardson; *provided, however*, that when the principal sums (exclusive of interest) derived from such sales of said estate of either of said minors shall amount to the sum of five thousand dollars, the power and authority hereby granted shall, as to such one of said minors, terminate. And any and all conveyances heretofore made by said Jennison, of the estate of said John and Frank T. Richardson, under said resolve, are hereby confirmed. [*Approved by the Governor, April 12, 1853.*]

Provided, however.

Chap. 44

Resolve in favor of the Town of Somerset.

\$785 to the treasurer of Somerset, for moneys paid for support of Lucy Allen at

Resolved, For reasons set forth in the petition, that there be allowed and paid out of the treasury of this commonwealth to the treasurer of the town of Somerset, in the county of Bris-

tol, the sum of seven hundred and eighty-five dollars, in full for moneys paid to the treasurer of the State Lunatic Hospital, for the support of Phebe Allen, a lunatic pauper having no legal settlement in this commonwealth, and that a warrant be drawn accordingly. [*Approved by the Governor, April 16, 1853.*]

State Lunatic Hospital.

Resolve concerning Cape Cod and East Harbors.

Chap. 45

Resolved, That his excellency the governor, with advice and consent of the council, be requested and empowered to appoint a commission of three persons, to visit Cape Cod during the recess of the legislature, for the purpose of ascertaining the facts important to a full understanding of the best mode of preserving Cape Cod harbor, East harbor, and any portions of the cape where causes are supposed to exist which tend to the injury of either of said harbors; and also to ascertain the rights of the commonwealth to the province lands, and the course which the state should adopt in reference to them, with due regard to the rights of individuals occupying, improving, or claiming any of said lands. [*Approved by the Governor, April 16, 1853.*]

Commissioners to ascertain the best mode of preserving Cape Cod Harbor, East Harbor, etc.

Resolve on the Petition of Nathaniel Smith.

Chap. 46

Resolved, For reasons set forth in said petition, that Nathaniel Smith, of Natick, in the county of Middlesex, administrator of the estate of William S. Smith, late of said Natick, deceased, be allowed and authorized to file, in the court of probate for said county, his affidavit and a copy of his notice of a sale by him, as said administrator of the real estate of said William S. Smith, in pursuance of a license of said court, granted on the eighteenth day of March, in the year one thousand eight hundred and fifty-one, and that the same shall be as effectual to perpetuate the evidence of the time, place, and manner of giving such notice as if the same had been done by him within one year after the sale thereof: *provided*, said affidavit and copy be so filed within six months from the passage of this resolve. [*Approved by the Governor, April 16, 1853.*]

Aet of Nathaniel Smith, administrator of estate of William Smith, relating to sale of real estate confirmed.

Provided

Resolve on the Petition of Sarah Walker.

Chap. 47

Resolved, For reasons set forth in said petition, that Charles Brigham, trustee of the Hassanamisco or Grafton Indians, be and he is hereby authorized to convey and confirm to the said Sarah Walker, a lot of wood and pasture land, containing about twenty acres, situated in the south-easterly part

Charles Brigham, trustee of Grafton Indians, authorized to convey a lot of land to Sarah Walker.

of the town of Grafton, and bounded on land of Royal Keith and others : To have and to hold the same, to her sole and separate use, and to her heirs and assigns forever. [*Approved by the Governor, April 16, 1853.*]

Chap. 48 Resolve on the Petition of Mary A. D. Robinson, and Ebenezer P. Robinson.

Partition of the real estate of Thomas Robinson, deceased, and assignment of dower, confirmed and established.

Resolved, That, for reasons set forth in the said petition, the assignment of dower and the partition of the real estate of Thomas Robinson, late of Boston, in the county of Suffolk, deceased, returned to the probate court of said county of Suffolk, and accepted by decrees thereof passed on the seventeenth day of June, in the year eighteen hundred and fifty, be hereby ratified, confirmed and established, and that the same be forever hereafter deemed and taken to be legal and binding upon all persons, and to all intents and purposes whatsoever. [*Approved by the Governor, April 16, 1853.*]

Chap. 49 Resolves to establish a State Normal School in the County of Essex.

Board of Education authorized to establish a state normal school in the county of Essex.

Resolved, That the Board of Education be, and they are hereby authorized to establish a state normal school at some suitable place in the county of Essex, and that the sum of six thousand dollars be, and the same is hereby appropriated, from the proceeds of the public lands or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter 219, to defray the expense of providing a site, of erecting or purchasing a suitable building, and furnishing the necessary appurtenances and apparatus for said school ; and that the same be expended for that purpose under the direction of the Board of Education, upon whose requisition the governor is hereby authorized to draw his warrants upon the treasury to the amount aforesaid.

May purchase and receive grants of land in name of commonwealth, etc.

Resolved, That the Board of Education be, and they are hereby authorized to purchase and receive grants of land, in the name of the commonwealth, and in suitable quantity, for the site of said building and the accommodation of said school ; and that, before selecting said site, they be directed to receive propositions from towns or individuals in said county of Essex, in aid of the object of these resolves, and afterwards to make such selection as will in their opinion best subserve the interests and accommodate the wants of said school.

\$3000 additional appropriation annually for two years, for support of state normal schools.

Resolved, That the sum of three thousand dollars, in addition to the sums already appropriated for that purpose, be appropriated annually, for two years from the first day of January next, to the support of the state normal schools, under

the direction of the Board of Education ; the said amount to be taken from the proceeds of the public lands or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter 219, and that the governor be authorized to draw his warrants on the treasury accordingly. [*Approved by the Governor, April 16, 1853.*]

Resolves concerning the Massachusetts Militia Claim.

Chap. 50

Resolved, That the resolves of the eighteenth day of May, eighteen hundred and fifty-two, “concerning the Massachusetts Militia Claim,” be, and they are hereby repealed.

Resolves repealed.

Resolved, That the members of congress from this commonwealth be, and they are hereby requested to use their best exertions to procure from the general government the amount due to Massachusetts for services rendered and disbursements made during the late war with Great Britain.

Members of congress requested to use best exertions to procure amount due.

Resolved, That a copy of these resolves be transmitted by the secretary of the commonwealth to each of our senators and representatives in congress. [*Approved by the Governor, April 21, 1853.*]

Resolve in favor of Sarah Newton.

Chap. 51

Resolved, That there be allowed and paid out of the treasury of the commonwealth, to Sarah Newton, widow of Benjamin F. Newton, late district attorney for the middle district, the sum of one hundred and thirty-three dollars (\$133,) being the balance which said Benjamin F. Newton would have been entitled to receive out of the treasury for the full salary of one year ; and that warrants be drawn accordingly. [*Approved by the Governor, April 23, 1853.*]

\$133 to Sarah Newton, widow of Benj. F. Newton, late district attorney for middle district.

Resolve on the Petition of George Ellis, Treasurer of the County of Norfolk. Chap. 52

Resolved, For reasons set forth in the petition, that there be allowed and paid, out of the treasury of the commonwealth, to George Ellis, treasurer of the county of Norfolk, or his successor in office, the sum of two thousand three hundred and forty-four dollars, in full for all claims for expenses of criminal prosecution in said county of Norfolk, from the year eighteen hundred and forty-five to the time of the passage of this resolve ; and that a warrant be drawn accordingly. [*Approved by the Governor, April 23, 1853.*]

\$2344 to George Ellis, treasurer of Norfolk county, for expenses of criminal prosecutions.

Chap. 53 Resolve authorizing the Removal of the Field Pieces belonging to the Commonwealth.

Adjutant general directed to remove field pieces to state arsenal at Cambridge.

Provided.

Resolved, That the adjutant general be authorized and directed to remove to the state arsenal at Cambridge, all the field pieces and artillery equipments now in the several gun-houses and other places of deposit in the various towns and cities of the commonwealth: *provided, however*, that he may allow such field pieces and artillery equipments to remain in towns and cities, the authorities of which will furnish suitable buildings for their deposit, and undertake to keep them in good and complete order, without any expense to the commonwealth. [*Approved by the Governor, April 23, 1853.*]

Chap. 54 Resolve granting Taxes for the several Counties.

County taxes.

Resolved, That the sums placed against the names of the several counties in the following schedule be, and hereby are granted as a tax for each county, respectively, to be assessed, paid, collected, and applied according to law, namely:—

County of Essex, fifty-five thousand two hundred dollars.

County of Middlesex, eighty-three thousand two hundred and sixty-five dollars.

County of Worcester, fifty thousand dollars.

County of Hampshire, fourteen thousand dollars.

County of Hampden, twenty-six thousand dollars.

County of Franklin, ten thousand dollars.

County of Berkshire, eighteen thousand dollars.

County of Norfolk, forty-five thousand dollars.

County of Plymouth, twenty thousand dollars.

County of Bristol, thirty thousand dollars.

County of Barnstable, eight thousand two hundred dollars.

County of Dukes county, two thousand dollars. [*Approved by the Governor, April 23, 1853.*]

Chap. 55 Resolve to provide for Distributing Copies of the present Constitution throughout the Commonwealth.

Present constitution of commonwealth to be printed and distributed throughout commonwealth.

Resolved, That the secretary of the commonwealth be authorized and directed, as soon as practicable, to cause to be printed an edition of the constitution of the commonwealth of Massachusetts, in cheap pamphlet form, of the same number as that published annually of the laws and resolves, passed at each session of the legislature, and to be apportioned and sent, in the same proportion and the same manner as the laws and resolves, to the several city and town clerks, with such instructions for the distribution of the same, in the respective

cities and towns, throughout the commonwealth, as he may find to be expedient in order to secure prompt delivery thereof. [*Approved by the Governor, April 26, 1853.*]

Resolve on the Petition of Charles Stone for leave to sell Real Estate. *Chap. 56*

Resolved, For reasons set forth in said petition, that Charles Stone, of Cambridge, in the county of Middlesex, be and hereby is, authorized to sell at public auction, or at private sale, as may seem to him expedient, all that real estate which is now holden by him as trustee, duly appointed by the court of probate for said county of Middlesex, under and by force of the last will and testament of Mary Carman, late of Watertown, in said county of Middlesex, deceased, which said last will and testament was duly proved and allowed at a court of probate, holden for said county of Middlesex, on the twenty-sixth day of June, in the year eighteen hundred and forty-nine, and to make, execute and deliver good and sufficient deeds thereof, in fee simple, to the purchasers, who may hold said estate free from the trusts and conditions of the said last will and testament of said Mary Carman: *provided, however*, that previous to any sale of said estate, the said Charles Stone shall give bond with sufficient sureties, to the judge of probate for said county of Middlesex, that he will invest the proceeds of said sale in some safe stocks or other good and safe securities, or in other real estate, and hold the same, and the income thereof, for the same uses and purposes, and under the same restrictions and limitations, and for the same ultimate disposal and distribution, as are provided in the said last will and testament of said Mary Carman, of and concerning said real estate. [*Approved by the Governor, April 26, 1853.*]

Charles Stone authorized to sell real estate held by him as trustee under the will of Mary Carman, deceased, and to make and execute deeds thereof, etc.

Provided however.

Resolve on the Petition of Thomas F. Newhall, Trustee under the Will of Francis Newhall. *Chap. 57*

Resolved, For reasons set forth in said petition, that the said Thomas F. Newhall is hereby authorized to sell and convey, in one or more parcels each, at public or private sale, and to execute deeds to pass the same in fee simple, certain lands hereafter described, viz: a piece of land situate in Lynn, in the county of Essex, containing about four acres, bounded by Newhall, Sagamore and Beach streets, and land of Abner Newhall and others. Also, about three acres of tillage land in said Lynn, bounded southeasterly by land of B. Breed and others, southwesterly by Newhall street, northwesterly by land of Doctor Weeks and others, and northeasterly by land of Doctor Newhall and others, with the one half of a dwelling house thereon.

Thomas F. Newhall, trustee, authorized to sell and convey certain real estate.

Provided.

Also about four acres of marsh land in Saugus, in said county of Essex, adjoining land of said Thomas F. Newhall. Also one undivided half of about four acres of marsh land in said Saugus, owned or held in common with said Thomas F. Newhall. Also about two acres of marsh land in Chelsea, in the county of Suffolk at the Pines, (so called.) Also about twelve acres of pasture land in Swampscott, in said county of Essex, being the only land owned by said Francis in Swampscott. And the net proceeds of such sale or sales shall be taken and held and invested in other real estates, stocks or securities, by the said Thomas F. Newhall, upon the same trusts and for the same purposes as the said lands are now held by him : *provided, however*, that previously to any sale, the said Thomas F. Newhall shall give bonds with sufficient sureties, to the judge of probate for the county of Essex, for his acts and doings in the premises, and to account for and dispose of the proceeds of said estate, according to said will and the trusts therein created in reference to said estate. *[Approved by the Governor, April 27, 1853.]*

Chap. 58

Lydia Wyman
permitted to
marry again.

Resolve on the Petition of Lydia Wyman, of Athol.

Resolved, For the reasons set forth in the said petition, that Lydia Wyman, of Athol, in the county of Worcester, from whom her late husband, Amos Wyman, has obtained a divorce from the bonds of matrimony, be and she is hereby authorized and permitted to marry again in the same manner as though she had never been married. *[Approved by the Governor, April 27, 1853.]*

Chap. 59

Treasurer of
Herring Pond
Indians author-
ized to distribute
\$500 equally, etc.

Resolve on the Petition of Solomon F. Webquish and others.

Proviso.

Resolved, That the treasurer of the Herring Pond Plantation is hereby authorized and directed to distribute the sum of five hundred dollars, out of the money received from the sale of burnt wood on the common lands of said plantation, equally among the persons who received allotments of land in the division made under an act passed the sixth day of April, in the year of our Lord eighteen hundred and fifty, entitled "An Act concerning the Plantation of Herring Pond ;" *provided*, that if any such person has deceased since such division, or shall decease before the distribution herein provided for, the share of said sum of five hundred dollars, which would have been payable to such person hereby, shall go to such of his or her children, if any, as took no share in their own right, in the division aforesaid, and in no case to any other person. And this resolve shall take effect from and after its passage. *[Approved by the Governor, April 27, 1853.]*

THE JOINT SPECIAL COMMITTEE, to which was referred an order directing an inquiry into the expediency of suitably noticing, by the government of the state, the death of the vice president of the United States, have considered the same, and submit the following preamble and resolves. Chap. 60

For the Committee,
J. NAYSON, Chairman.

PREAMBLE and RESOLVES in relation to the Death of the Vice President of the United States.

Whereas, It has been officially announced that the Hon. William R. King, Vice President of the United States, died at his residence in Alabama on the 18th instant; and whereas it is fitting that this melancholy event should be appropriately noticed by the authorities of the state; therefore be it

Death of William R. King, vice president of United States, resolutions of condolence.

Resolved, By the Senate and House of Representatives of Massachusetts, that the intelligence of the decease of Vice President King is received by the government of this state with sentiments of profound sorrow and regret; that we sincerely deplore this dispensation of Providence, which has removed from the stage of action the second officer of the nation; one who has so long and so ably dedicated his talents, and the best years of his life, to the service of his country.

Resolved, That the condolence of the government of Massachusetts is herewith respectfully tendered to the family and friends of the distinguished deceased, with whom, as with the president of the United States, it deeply sympathizes in their great and irreparable loss.

Resolved, That, as a further manifestation of the high respect which this state entertains for the pure and dignified character and the exalted station of the late William R. King, the national standard be suspended from the State House at half-mast during the remainder of the session.

Resolved, That the foregoing preamble and resolves be transmitted to his excellency the governor for his signature; and that he be requested to forward official copies of the same to the family of the deceased, and also to the president of the United States, and the executive of Alabama. [*Approved by the Governor, April 29, 1853.*]

Resolve on the Petition of Philip Hall and others, Trustees of the Ministerial Fund in Northfield. Chap. 61

Resolved, That, for reasons set forth in said petition, the sale of a certain piece of land with the buildings thereon, situate in Northfield, in the county of Franklin, bounded on the east by the street, south and west by the land of Phineas Wright, and north by the meeting house lot, made by Philip

Sale of land by trustees of ministerial fund of first religious society in Northfield confirmed.

Hall, and others, trustees of the ministerial fund of the first religious society in said Northfield, to Oliver C. Everett, for the sum of eighteen hundred dollars, be, and the same is hereby confirmed, and a certain deed given by said trustees to the said Everett, of the same real estate, be, and the same is hereby declared good and valid, to pass a fee simple in said real estate to the said Everett: *provided, nevertheless*, that the said trustees shall hold the said eighteen hundred dollars received for said real estate, for the same objects and purposes, and under the same conditions, restrictions and limitations, contained in the indenture made by the original donor to the said trustees. [Approved by the Governor, April 30, 1853.]

Provided.

Chap. 62

Resolve for aid to Attendants on the State Normal Schools.

≈1000 to each state normal school to be expended by Board of Education in aid of those members of school who find it difficult to meet the expense of attending the same.

Resolved, That, as the attendance on the state normal schools is more expensive to persons living remote from them, than to those living in or near the towns where they are situated, and as the wages paid for teaching in the public schools are usually less in towns thus remote, than in those in the immediate vicinity of said schools, where an increased interest in education is generally created through their influence; from and after the first day of April in the year of our Lord one thousand eight hundred and fifty-three, the Board of Education shall be authorized to receive annually, on their requisition, from the treasurer of the commonwealth, in conformity with the provisions of the two hundred and nineteenth chapter of the laws of eighteen hundred and forty-six, a sum not exceeding one thousand dollars for each of the state normal schools, to be expended in aid of those members of said schools who find it difficult to meet the expenses necessarily incurred by attending the same; the distribution of said sum to be left to the discretion of the board, after consulting the principal of each school where such aid is rendered. [Approved by the Governor, April 30, 1853.]

Chap. 63

Resolves concerning the Preparing and Printing the Indexes of the General Court Records.

Indexes to general court records to be printed.

Resolved, That the person employed under the resolve passed the thirteenth day of May, eighteen hundred and fifty-two, entitled a "Resolve in relation to the General Court Records," be authorized to prepare and print suitable indexes to the said records; that the compensation of said person shall be four dollars for each day's work; that such work shall be done under the supervision of the secretary of the commonwealth, who shall appoint an assistant clerk, if in his opinion

it be necessary, whose compensation shall be determined by the governor and council.

Resolved, That the governor of the commonwealth cause one hundred copies of the first two volumes of the general court records to be printed; that said printing be done under the supervision of the secretary of the commonwealth, who may appoint some suitable person to prepare said volumes for printing, and take charge of the same, and the compensation of such person shall be determined by the governor and council. [*Approved by the Governor, May 2, 1853.*]

100 copies of first two volumes of general court records to be printed.

Resolve on the Petition of Noah K. Skinner and others, Trustees of the Methodist Episcopal Church, lately worshipping in Richmond street in Boston. *Chap. 64*

Resolved, That, for reasons set forth in said petition, Noah K. Skinner, Isaac Harding, Thomas Bagnell, Jr., John McField, James Ritchie and Austin Gove, who are the grantees named in a deed from Micah Dyer, dated July 19, 1844, and recorded with the registry of deeds for Suffolk county in lib. 547, fol. 174, and who are therein described as "the trustees of the Methodist Episcopal Church worshipping in Richmond street in said Boston, being the officers of said church duly authorized according to the rules, discipline and usages thereof, to take and hold property for the use of said church," be hereby fully authorized and empowered, and that the survivors of them, if one or more should die before this authority and power can be carried out, be also authorized and empowered to complete the agreement made by said trustees' agent, Micah Dyer, as mentioned in said petition, for the sale of all the real estate described in the deed aforesaid, with the structures thereon, and the privileges and appurtenances thereto belonging, and that said trustees, and the survivors of them in the contingency aforesaid, be further authorized and empowered to make, execute, acknowledge, and deliver a good and sufficient deed to transfer and convey, according to said agreement and for the consideration therein mentioned, all of said real estate with the structures thereon and the privileges and appurtenances thereto belonging, to the purchaser, in fee simple, free and discharged from all the trusts, conditions, restrictions, confidences and incumbrances described in the deed aforesaid, other than the mortgage therein mentioned, to the president and fellows of Harvard College, and other than the interest of said Micah Dyer under said deed, to the trustees, or as mortgagee of said premises. And the deed of the trustees to the purchaser of the real estate herein referred to, in compliance with this resolve, shall be forever hereafter

Trustees of methodist episcopal church in Boston, authorized to complete the agreement of their agent for the sale of real estate.

Shall execute a good and sufficient deed, etc.

deemed and taken to be legal and binding upon all persons, and valid and effectual to vest the title of said premises in the purchaser in fee simple free and discharged from all the trusts, conditions, restrictions, confidences and incumbrances described in the deed to said trustees, except as aforesaid. [*Approved by the Governor, May 2, 1853.*]

Chap. 65 Resolve on the Petition of the Overseers of the Poor of the Town of Winchendon.

\$33 to treasurer of Winchendon for medical and funeral charges James Dary.

Resolved, For reasons set forth in said petition, that there be paid, out of the treasury of this commonwealth, to the treasurer of the town of Winchendon, for the medical and funeral charges of James Dary, a state pauper, the sum of ninety-three dollars in full; and that the governor draw his warrant therefor. [*Approved by the Governor, May 2, 1853.*]

Chap. 66 Resolve for the Payment of the Contingent Expenses of the Council, Legislature, and various Offices in the State House, for the year one thousand eight hundred and fifty-three.

\$2000 for contingent expenses, etc.

Resolved, That there be paid, out of the treasury of the commonwealth, to the sergeant-at-arms, a sum not exceeding two thousand dollars, to enable him to defray certain contingent expenses for the general court and the various offices in the State House during the present year; and also to pay any sum not covered by the appropriations made for the same purposes in the year one thousand eight hundred and fifty-two, and that warrants be drawn accordingly. [*Approved by the Governor, May 2, 1853.*]

Chap. 67 Resolve concerning the Secretary of the State Board of Agriculture.

\$150 to pay travelling expenses, etc., of secretary of board of agriculture.

Resolved, That all the necessary travelling expenses incurred by the secretary of the Board of Agriculture in the performance of his official duties, and all postages and other necessary expenses, not exceeding the sum of two hundred and fifty dollars per annum after being approved by said board, shall be paid out of the treasury of the commonwealth, and the governor is authorized to draw his warrant accordingly. [*Approved by the Governor, May 4, 1853.*]

Chap. 68 Resolve in favor of Rhoda Jaha.

\$100 to repair Rhoda Jaha's dwelling house.

Resolved, That, for reasons set forth in her petition, there be allowed and paid out of the treasury of this commonwealth, to Amos Shumway, guardian of the Dudley Indians, the sum of one hundred dollars, for the purpose of repairing the dwelling house of Rhoda Jaha; and that his excellency the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, May 4, 1853.*]

Resolve on the Petition of Frederick W. Dickinson and others.

Chap. 69

Resolved, For the reasons set forth in said petition, that full power and authority be, and hereby is granted to Henry Dawes, of Boston, trustee of Eliza W. Dickinson, to sell and convey, at public or private sale, all the share in the estate of Daniel Dickinson, of Boston, late deceased, testate, the life interest in which the said Eliza W. Dickinson now enjoys, and to change the same from real estate to personal estate, and to pass a full and complete title to the same to the purchaser or purchasers thereof, free and discharged from all trusts and claims whatsoever, he, the said Henry Dawes, first giving bond, with sufficient surety or sureties, to be approved by the judge of probate for the county of Suffolk, conditioned faithfully to exercise the said power, and to apply the proceeds of said sale or sales, in the manner and upon the limitations set forth and declared in the will of the testator. [*Approved by the Governor, May 4, 1853.*]

Henry Dawes, trustee, authorized to change life interest of Eliza W. Dickinson in estate of Daniel Dickinson from real to personal estate.

[Report and Resolutions on the Deaths of Henry Clay, Daniel Webster, and John C. Calhoun.] *Chap. 70*

The joint special committee to which was referred the communication of his excellency the governor, enclosing the proceedings of the legislature of South Carolina upon the subject of the deaths of Henry Clay and Daniel Webster; also the proceedings of a meeting of the citizens of Charleston, called by the mayor, "to pay a fitting tribute of respect to the late illustrious statesman and jurist" of our state, beg leave respectfully to submit their report. Your committee take a melancholy pleasure in responding to the voice of earnest and deep-felt sympathy from a sister state, in the irreparable loss which our commonwealth and the nation have experienced in the death of our distinguished son. We listen to these words of sympathy as an earnest of the strength of that fraternal tie which binds us together in patriotic devotion to the free institutions of our country, and to the memory and reputation of those great men who spent their lives in illustrating and adorning them. A tribute of respect from South Carolina to the memory of Daniel Webster, recalls the proud and "pleasing recollections" of the history of either commonwealth firmly united in the sympathy of common suffering in a common cause. Shoulder to shoulder they went through the revolution, hand in hand they stood round the administration of Washington, and it is now fit, that side by side they should follow the hearse of the great statesmen of the century, and guard with hallowed care their graves and their memory. With South Carolina,

Report of committee on the death of Clay, Webster and Calhoun.

we sympathize with the pioneer state of the west in the loss she was called to meet in the death of her eminent orator and senator, Henry Clay, and the nation and the world, in mourning with Kentucky for his death, will recall the memory of that distinguished son of the south, who completed the triumvirate of talent, eloquence, and statesmanship. Nowhere was the intellectual power and self-sacrificing patriotism of Calhoun better acknowledged, than by our own commonwealth. We claim a part in his reputation and history ; we would share in the honor which he shed upon the state to which he was so fondly attached. The committee unanimously submit the following

RESOLUTIONS.

Resolutions of
legislature.

Resolved, That the legislature of Massachusetts has received, with melancholy satisfaction, the resolutions of the General Assembly of South Carolina, and the proceedings of the city of Charleston, upon the occasion of the death of Daniel Webster. Differing with our great statesman as most of the citizens of that state did in many of the political opinions and measures which have agitated the country, we receive its eloquent tribute of respect and sympathy in the fraternal spirit with which it has been offered.

Resolved, That the memory of the great statesmen of South Carolina, Kentucky, and Massachusetts, who have followed each other in such rapid succession to the resting-place which "knows no party," is cherished with fond pride, and the eloquent sentiments of condolence expressed in the resolutions of a sister state, and fellow-mourner are most sincerely reciprocated in view of the loss which she and the nation have experienced in the death of him who so tenaciously guarded her honor, and added so much to the lustre of her history.

Resolved, That his excellency the governor be requested to communicate to the general assembly of South Carolina, and to the mayor of the city of Charleston, a copy of the foregoing report and resolutions.

ALFRED A. ABBOTT,	} of the Senate.
G. WASHINGTON WARREN,	
OTIS P. LORD,	} of the House.
CHARLES N. EMERSON,	
JOSEPH DUNCKLEE,	
FRANCIS BOYD,	
LUCIAN MARCY,	

Passed in the House of Representatives May 3, and in the Senate May 4, 1853. [*Approved by the Governor, May 4 1853.*]

Resolve on the Petition of Richard Leonard.

Chap. 71

Resolved, For reasons set forth in said petition, that Richard Leonard, of Hubbardston, in the county of Worcester, guardian of Lucy Jane Leonard, his minor daughter, be allowed and authorized to file, in the court of probate for said county, his affidavit and a copy of his notice of a sale by him as guardian of said minor, of her interest in certain real estate, situated in said Hubbardston, in pursuance of a license of said court granted on the third day of February, one thousand eight hundred and fifty-two: and that the same shall be as effectual to perpetuate the evidence of the time, place and manner of giving such notice, as though the same had been done by him within one year after the sale thereof: *provided*, said affidavit and copy be so filed within six months from the passage of this resolve. [*Approved by the Governor, May 10, 1853.*]

Act of Richard Leonard, guardian of Lucy Jane Leonard, relating to sale of real estate, confirmed.

Provided.

Resolve concerning River Head Beach, in Marblehead Harbor.

Chap. 72

Resolved, That the governor, with the advice of the council, be authorized to appoint a commissioner of competent science and skill, with power to examine River Head beach, and the sea wall thereon, in Marblehead harbor, and to remove and prevent any encroachments or structures on said beach between high and low water mark, which he may deem injurious to said harbor, or dangerous to vessels therein during storms, and to report his doings in the premises, with suggestions for the preservation of said beach and harbor, to the governor, when required: *provided*, all expenses incurred under this resolve shall be paid by the town of Marblehead. [*Approved by the Governor, May 10, 1853.*]

Commissioner to examine River Head Beach and sea wall thereon, etc.

Resolve concerning the Legislative Journals.

Chap. 73

Resolved, That the secretary of the commonwealth cause the series of legislative journals, laws and resolves, now in the state library, to be completed under his supervision, by copying originals in his office or otherwise. [*Approved by the Governor, May 10, 1853.*]

Secretary to cause legislative journals etc., to be completed for use of state library.

Resolve on the Petition of Otis Tufts and James D. Green.

Chap. 74

Whereas, James D. Green is trustee for the benefit of Ezra Green, of Malden, in the county of Middlesex, with remainder to the lawful issue of said Ezra, under the will of Bernard Green, duly proved and allowed by the judge of probate for said county of Middlesex, on the second day of September, in

Relating to conveyances of land by James D. Green, trustee to Ezra Green.

the year eighteen hundred and thirty-four, and under the will of Timothy Diman, duly proved and allowed by the judge of probate for said county of Middlesex, on the fifteenth day of March, in the year eighteen hundred and thirty-six, and under a deed of Charles Lewis and William H. Richardson, recorded with Middlesex deeds, book 427, page 59: *and*, whereas the said James D. Green has made three conveyances to the said Otis Tufts, and whereas doubts have been raised as to the validity of said conveyances, and the said Tufts and Green have presented their petition praying that such sales may be ratified and confirmed. Therefore,

Sales and conveyances ratified and confirmed.

Resolved, That for the reasons set forth in said petition, the said sales and conveyances by said James D. Green to the said Otis Tufts, recorded with Middlesex deeds in book 516, page 52, book 564, page 421, book 594, page 133, be and the same are hereby ratified and confirmed and made good and valid in law and equity.

Said trustee authorized to sell whole or part of real estate, etc.

Resolved, That the said James D. Green be and he is hereby authorized and empowered to sell the whole or any portion of said real estate on such terms as he may deem for the interest of the cestui qui trusts. [*Approved by the Governor, May 11, 1853.*]

Chap. 75 Resolve for the Interchange of Laws, Law Reports, and other Public Documents.

Public documents to be sent in exchange, etc.

Resolved, That the secretary of the commonwealth be authorized to transmit, at the discretion and on the requisition of the trustees of the state library, copies of the laws, law reports, and other public documents of Massachusetts, to the several states of the Union, the British provinces, and other foreign states, in exchange for similar publications of said states and provinces. [*Approved by the Governor, May 11, 1853.*]

Chap. 76 Resolve on the Petition of the Trustees of the Punchard Free School.

Interest on Punchard school fund to be used for erecting school house, etc.

Resolved, For reasons set forth in said petition, that the trustees of the Punchard free school in Andover, are hereby authorized and empowered to make use of the interest which has accumulated on the Punchard free school fund, and which shall accumulate to the first of July next, for the purpose of procuring land and erecting a school house thereon, in compliance with their duty as trustees of said Punchard free school. [*Approved by the Governor, May 11, 1853.*]

Resolve relating to Jails.

Chap. 77

Resolved, That his excellency the governor, with the advice and consent of the council, be hereby authorized to appoint a commissioner, whose duty it shall be to examine the various jails in the commonwealth, with reference to the appointment of matrons to take charge of the female department, and also the introduction of labor generally, and report at the next session of the legislature. [*Approved by the Governor, May 11, 1853.*]

Commissioner to visit various jails in commonwealth, etc.

Resolve concerning the Quarter master General's Department.

Chap. 78

Resolved, That the sum of two thousand and two hundred dollars be, and the same is hereby appropriated to defray the expenses of the quarter master general's department, for the current year, in addition to the amount unexpended, of appropriation for the year 1852, and that warrants be drawn accordingly. [*Approved by the Governor, May 12, 1853.*]

\$2,200 to defray expense of quarter master general's department.

Resolve for Repairs on the State House.

Chap. 79

Resolved, That the sum of ten thousand dollars be, and hereby is appropriated to defray the expense of incidental repairs upon the State House, and for the purchase of necessary articles of furniture during the present year, for the use of the legislature, and the various offices connected therewith; and that the same be expended under the direction of the sergeant-at-arms and the committee on "public buildings." And whereas, by the act of April twenty-seventh, one thousand eight hundred and fifty-three, relating to the enlargement of the State House, the commissioners to be appointed for that purpose are empowered to erect a building in conformity to any alterations in and additions to the plan therein referred to, including an enlargement of the hall of the house of representatives, which may be approved by the governor and council, the said commissioners, under the advice and direction of the governor and council, are authorized, if found necessary to complete said enlargement according to the directions of said act, to expend an additional sum, not exceeding fifteen thousand dollars, for such purpose. [*Approved by the Governor, May 14, 1853.*]

\$10,000 for incidental repairs, and for the purchase of necessary articles of furniture, etc.

\$15,000 for enlargement of State House.

Resolve in relation to the State Prison.

Chap. 80

Resolved, That there be appropriated for the use of the state prison the following sums, viz: For repairs of shops and for additional shop room, the sum of two thousand five hun-

\$15,500 for use of state prison.

dred dollars ; for the use of the hospital department, the sum of eight thousand dollars ; and to pay arrearages, the sum of five thousand dollars ; making in the aggregate the sum of fifteen thousand five hundred dollars, to be expended by the inspectors, warden, and physician of said prison, under the direction of the governor and council, and that warrants be drawn accordingly. [*Approved by the Governor, May 16, 1853.*]

Chap. 81

Controversies,
etc., to be decided
by umpires.

Resolves in favor of Peaceful Substitutes for War.

Resolved, That we deem it both proper and desirable for the government of the United States, whenever practicable, to secure, in its treaties with foreign powers, a provision for referring to the decision of umpires, all controversies that cannot be satisfactorily adjusted by negotiation.

To be transmitted
to senators and
representatives
in congress.

Resolved, That the governor be requested to transmit these resolutions, and the accompanying report, to our senators and representatives in congress, with the expression of our desire that they will use their influence, in such way as they may deem best for the accomplishment of this object. [*Approved by the Governor, May 23, 1853.*]

Chap. 82

Commissioners to
digest insurance
laws of this
commonwealth
into one act.

Resolve for Revision of the Laws relating to Insurance.

Resolved, That the governor, with the advice of the council, be authorized to appoint two commissioners, whose duty it shall be to revise and digest into one act all the general statutes of this commonwealth, upon the subject of insurance, with power for that purpose to examine the books, and also the officers and agents, under oath, of any insurance company incorporated by this commonwealth, upon all matters relating to the practice of insurance under said statutes, and report their doings in the premises to the next general court ; and said commissioners shall keep an account of all their actual services and expenses in executing said commission, to be duly audited and allowed by the governor and council, and paid by warrants upon the treasury duly drawn for that purpose by the governor. [*Approved by the Governor, May 25, 1853.*]

Chap. 83

Act of Eunice B.
Hall, administra-
trix of estate of
Eunice Hall,
relating to sale
of real estate,
confirmed.

Resolve on the Petition of Eunice B. Hall.

Resolved, For reasons set forth in said petition, that Eunice B. Hall, of Medford, in the county of Middlesex, administratrix with the will annexed, of the estate of Eunice Hall, late of Medford, in the county of Middlesex, widow, deceased, be authorized and allowed to make, file, and have recorded in

the probate office for said county, her affidavit, together with a copy of the notice of her appointment as administratrix with the will annexed, as aforesaid; and that the same shall be as effectual to perpetuate the evidence, and shall be admitted as such, of the time, place, and manner of giving such notice, as if the same had been made by her within one year after the date of her administration bond: *provided*, said affidavit and copy be so filed within six months from the passage of this resolve. [*Approved by the Governor, May 25, 1853.*]

Resolves concerning the Education of the Deaf and Dumb of this Commonwealth. *Chap. 84*

Resolved, That whenever the trustees of the American asylum at Hartford shall represent to his excellency the governor, that any of the pupils belonging to this commonwealth, in said institution, have attained to such proficiency in their studies as to qualify them for admission into the Gallaudet high class, he may, with the advice of the council, extend the term for the tuition of such pupils two years: *provided*, that the number thus benefited shall not exceed six at any one time, and that the expenses therefor do not exceed the yearly sum now allowed for other pupils from this commonwealth in that institution.

Resolved, That the benefits conferred by the foregoing resolve, shall be extended to two pupils of this commonwealth, who entered that class on the first of September, one thousand eight hundred and fifty-two, and that their accounts be audited and paid from that date. [*Approved by the Governor, May 25, 1853.*]

Resolve in regard to Paying to Andrew J. Lewis the Expenses of his Sickness. *Chap. 85*

Resolved, That there be paid to Andrew J. Lewis, out of the treasury of the commonwealth, sixty-two dollars, to defray the expenses of his sickness while a member of the house of representatives. [*Approved by the Governor, May 16, 1853.*]

Resolve on the Petition of Benjamin French.

Chap. 86

Resolved, For reasons set forth in said petition, that Benjamin French, of Dunstable, in the county of Middlesex, executor of the will of John French, late of Dunstable aforesaid, deceased, be authorized and allowed to make, file, and have recorded in the probate office, for said county, his affidavit, together with a copy of the notice of his appointment as executor of the will as aforesaid; and that the same shall be as

Provided.

Governor, upon representation, etc., may extend the term of certain pupils two years.

Provided.

Two pupils to have benefit of above resolve.

\$62 to pay expenses of sickness of Andrew J. Lewis.

Act of Benjamin French, executor of will of John French, relating to notice of appointment, confirmed.

Provided

effectual to perpetuate the evidence, and shall be admitted as such, of the time, place and manner of giving such notice, as if the same had been made by him, within one year after the date of his bond as executor: *provided*, said affidavit and copy be so filed within six months from the passage of this resolve. [*Approved by the Governor, May 25, 1853.*]

Chap. 87

\$400 to pay expenses, etc., of military companies on duty at Charlestown, etc

Resolve providing for the Payment of certain Military Expenses.

Resolved, That the quarter master general be authorized and directed to audit the several bills incurred for rations, music, and other expenses by those military companies who were on duty at the time of the late apprehended riot in Charlestown, and received no pay for their services, and that said bills be paid by him out of any moneys in his hands not otherwise appropriated, not exceeding in amount four hundred dollars. [*Approved by the Governor, May 25, 1853.*]

Chap. 88

\$100 to pay expenses of Jonathan G. Royce.

Resolve concerning the Payment of the Expenses of Jonathan G. Royce while sick.

Resolved, That there be paid out of the treasury of the commonwealth, to Jonathan G. Royce, one hundred dollars, to defray the expenses of his late sickness while a member of the house of representatives. [*Approved by the Governor, May 16, 1853.*]

Chap. 89

\$1,100 to city of Roxbury.

Resolve in favor of the City of Roxbury.

Resolved, That for reasons set forth in the petitions, and agreeable to an act passed April twentieth, one thousand eight hundred and thirty-seven, entitled An Act concerning the Public Health, there be allowed and paid out of the treasury of the commonwealth to the treasurer of the city of Roxbury, the sum of one thousand and one hundred dollars, and that the governor draw his warrant accordingly. [*Approved by the Governor, May 25, 1853.*]

Chap. 90

\$75 to F. Coggs-
well, to pay
expense of
sickness.

Resolve concerning the Payment of Expense of Francis Coggs-
well, during his Sickness.

Resolved, That there be paid to Francis Coggs-
well, from the treasury of the commonwealth, the sum of seventy-five dollars for defraying the expense of his late sickness while a member of the present general court. [*Approved by the Governor, May 25, 1853.*]

Resolve granting aid to the New England School of Design for Women. *Chap. 91*

Resolved, That the sum of fifteen hundred dollars annually, \$1,500 annually, for three years, to N. E. school of design for women. for three years from the first day of June next, be appropriated to the support of the New England school of design for women, and paid in quarterly payments; the said amount to be deducted from the proceeds of the public lands set apart as a school fund, according to the provisions of the act of the year 1846, chapter 219, and that his excellency the governor be authorized to draw his warrants accordingly. [*Approved by the Governor, May 25, 1853.*]

Resolve for purchasing additional Land for the State Prison.

Chap. 92

Resolved, That the inspectors and warden of the state prison be authorized to purchase, for the commonwealth, the estates known respectively as the Foss and Murdock estates, situated on opposite sides of Washington street, in the city of Charlestown, or either of them, as bounded and described in the plan of the prison grounds, made in the year one thousand eight hundred and fifty-two, and filed in the office of the secretary of state; the terms of such purchase to be subject to the approval of the governor and council; and the governor is authorized to draw his warrant accordingly. [*Approved by the Governor, May 25, 1853.*]

Resolve for the Appointment of Commissioners in relation to Charles River and Warren Bridges. *Chap. 93*

Resolved, That his excellency the governor be hereby authorized to appoint, by the advice and consent of the council, three commissioners, whose duty it shall be to inquire and ascertain the best mode of repairing Charles River and Warren Bridges, or either of them, and also to consider and ascertain the best method of providing the means for their future support; whether there are any rights of way or other rights of property connected with the said bridges or either of them, which may be disposed of for this purpose; and if a resort to tolls for a definite period should be recommended, what rates of toll should be established, and for what term of time; and that said commissioners make their report to the next legislature during the first week of its session. [*Approved by the Governor, May 25, 1853.*]

Resolve to pay the Expenses of the Sickness of Benjamin Manter. *Chap. 94*

Resolved That there be allowed and paid to Benjamin Manter, the sum of thirty dollars, in full for the expenses of \$30 to pay expenses of

sickness of
Benj. Manter.

his sickness while in attendance as a member of the senate of this commonwealth, and that a warrant be drawn accordingly. [*Approved by the Governor, May 25, 1853.*]

Chap. 95

Resolve authorizing the Treasurer to borrow Money in anticipation of the State Tax.

Treasurer
authorized to
borrow, not
exceeding
\$300,000.

Resolved, That the treasurer be authorized to borrow, in anticipation of the state tax, such sums of money as may be necessary from time to time, for the payment of any public debt which may fall due in the present year, and that he repay any sum he may borrow as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided*, that the whole amount borrowed by virtue of this resolve, and remaining unpaid, shall not at any time exceed the sum of three hundred thousand dollars. [*Approved by the Governor, May 25, 1853.*]

Chap. 96

Resolve concerning the Commissioners to the World's Fair.

Commissioners to
world's fair.

Whereas, There is to be held this year in the city of New York, an exhibition or World's Fair, and as said exhibition is open to the industry of all nations, and to be represented by commissioners and exhibitors from several of the states of this Union, and of the nations of the world, it is

Resolved, By the legislature, that his excellency the governor be authorized, by and with the advice and consent of the council, to appoint an honorary board of commissioners to represent this commonwealth at said exhibition. [*Approved by the Governor, May 25, 1853.*]

Chap. 97

Resolve concerning the Valuation of 1851.

Auditor to
furnish to county
commissioners a
corrected
schedule, etc.

Resolved, That the auditor of accounts be directed to inform the county commissioners for the several counties, that errors have been discovered in some of the computations connected with the "valuation" of the polls and property of the commonwealth, as established by the two branches of the legislature, by concurrent vote, April 28, 1851, and to furnish to said commissioners a correct schedule thereof, so far as relates to the column under the head of "Tax on one thousand dollars, including polls at half a mill each." [*Approved by the Governor, May, 25, 1853.*]

Chap. 98

Resolve for the Payment of Mr. Bumpus, while sick.

\$25 to C. C.
Bumpus to pay

Resolved, That there be paid from the treasury of the commonwealth, to Cephas C. Bumpus, of Plympton, the sum of

twenty-five dollars, for the payment of his expenses while sick, ^{expenses of} while a member of this legislature. [*Approved by the Governor,* *May 25, 1853.*]

Resolve in favor of selling the Fire Engine and other Property in State House. *Chap. 99*

Resolved, That the sergeant-at-arms be directed to dispose of the engine on the lower floor of the State House, and all useless furniture which is not required nor will be used in the building, and that he be directed, to procure with the fund accruing from sale of engine and furniture, a force pump to be located at the west end of the State House, in vicinity of large cistern, and pay the balance of proceeds into the treasury. [*Approved by the Governor, May 25, 1853.*]

Sergeant-at-arms
to sell engine,
etc.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY JOHN H. CLIFFORD.

REPRESENTATIVES' CHAMBER, JAN. 14th, 1853.

At twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

ADDRESS.

Gentlemen of the Senate

and of the House of Representatives:—

WE enter upon the discharge of the honorable duties which have been respectively assigned to us by the favor and confidence of our fellow-citizens, at a season of signal prosperity in public and private affairs, which calls for a devout and grateful recognition of that beneficent Being, in whose hands are the destinies of nations and of men.

Nor should our gratitude for what He has given us be less fervent, when we reflect, as we cannot fail to do on an occasion like this, upon what in His wisdom it has pleased Him to take away. The past year will be memorable in our annals for the singular mortality which it has witnessed among the distinguished men of the country, and especially of our own commonwealth. We have been called to unite with the

bereaved circles of private friendship, in mourning the departure of those who have fallen in the midst of their labors in the public service, and of others who had retired from various spheres of public duty, which they had worthily and honorably filled. Of those who were in the immediate service of the State or the Nation, the names of Rantoul, of Fowler, and of Thompson, in our own congressional delegation—and of Henry Clay, whose fame belongs not more to Kentucky than to the whole Union, will readily suggest themselves to your minds.

But I should do injustice to my own feelings, and fail to meet your just expectations, if I did not more particularly refer to the recent removal from the public councils, as well as from the largest sphere of personal and social influence, of one, at whose departure Massachusetts has had the nation for her fellow-mourner, and the civilized world a sympathizer in her grief. In the death of Daniel Webster, we can find nothing to mitigate our profound sense of the loss of such an unrivalled intellect, and of such ripe experience from the councils of the country, but a reverent faith, such as hallowed and consecrated his closing hours upon earth, in that overruling Providence, “whose wisdom it behooves us not at all to dispute.” Massachusetts, in whose service so large a portion of his life was passed, and whose name and history have become so identified with the exhibition of his matchless powers, will cherish, as among her chief treasures, the memory of this illustrious statesman; and in the darkest hours which the future may bring to her, her people will recur to his recorded wisdom for their guidance and counsel.

The administration of the National Government, of which at his death he was so distinguished a member, is soon to surrender into other hands the duties and responsibilities with which it has been invested, during four years of a most critical experience, both in our internal and foreign affairs. For the manner in which it has performed those duties, and met those responsibilities, it may safely appeal to history, as it can now confidently repose upon the unbiased judgment of the country.

We have lately witnessed a recurrence of that imposing spectacle, the best test of the stability and perpetuity of our Republican institutions, which is presented in a presidential election. After an excited contest, which in any other country would scarcely be terminated without a resort to the sword, more than twenty millions of people have simultaneously, intelligently, and without violence, signified, through the forms of the Constitution, their choice of a ruler, to guide for the coming four years the destinies of this great empire. Whatever hopes or interests may have hung upon a different

result, the result once ascertained and declared, is submitted to without a murmur of dissent, and the machinery of the Government moves quietly on, to carry out the beneficent purposes of the Constitution. No feeling of distrust or despondency among any portion of the people accompanies its movement, nor is it embarrassed by any factious opposition. In giving her vote to the distinguished citizen, who, through a long career of illustrious services, had proved his patriotism and his title to the confidence of his country, Massachusetts finds herself in opposition to a very large majority of her sister States. But she will be ready to unite with them all, in sustaining every patriotic purpose, and upholding every sincere effort, which may be exhibited by those to whose hands have been confided the Government of the country, for maintaining the Constitution, perpetuating the Union, and promoting the prosperity of the people.

The relations sustained by the Commonwealth to the government of the Union, and the action of that government on the people of the several States, must be to us at all times matters of deep interest. It is our government, in the same sense, and within its constitutional sphere of action entitled to our loyal allegiance in the same degree, as the government of our own commonwealth. It was established, not as a league or compact between independent States, but as a government founded upon the voluntary suffrages of the whole people, in adopting the Constitution of the United States, and declaring it to be their supreme law. While therefore we may properly give expression to our views and opinions respecting its action, and endeavor, through the authorized and constitutional channels, to influence that action in such directions we may deem most promotive of the general welfare, I cannot regard it as any part of our duty, either as legislators or citizens, to exhibit our opinions at such times, and in such modes, as to produce no other effect than discord and ill-will ; or to endeavor, under their influence, to withdraw ourselves from the full performance of our constitutional obligations. The people of the United States have a common history, and a common destiny ; and there are no adequate compensations to the interests of the human race, that will justify any action of states or of individuals, which tends to impair the strength and integrity of that Union, under which the great cause of humanity has been so signally advanced and prospered. By the patriotism of our Fathers, and the favor of a good Providence, there has been established here a great family of states ; and we, as a people, can no more " calculate the value " of its Union, than we can, as

individuals, calculate the value of the ties which bind us together in the relations of domestic life.

With respect both to the national legislation, and her duties to her sister States, Massachusetts early placed upon record her deliberate convictions ; and she has now no new ground, upon those subjects, for the first time to occupy. In her response to the celebrated Virginia Resolutions of 1798, she declared, that "being convinced that the Federal Constitution is calculated to promote the happiness, prosperity and safety of the people of these United States, and to maintain that union of the several States, so essential to the welfare of the whole, and being bound by solemn oath to support that Constitution, the Legislature feel it unnecessary to make any professions of their attachment to it, or of their firm determination to support it, against every aggression, foreign or domestic. That they are persuaded that the decision of all cases arising under the Constitution, and the construction of all laws made in pursuance thereof, are exclusively vested by the people in the Judicial courts of the United States. That thus, an amicable and dispassionate remedy is pointed out, for any evil which experience may prove to exist, and the peace and prosperity of the United States may be preserved. And finally, that they feel a strong conviction, that the several United States are connected by a common interest, which ought to render their Union indissoluble, and that this State will always co-operate with its confederate States, in rendering that Union productive of mutual security, freedom and happiness."

I cannot doubt that, in the sober judgment of the people of this commonwealth, this conviction has been gaining strength, with the experience of every passing year since it was uttered. Not the least among the blessings which we have enjoyed, have been the judicial labors of that august tribunal, to which our fathers referred, and to which we must refer, the ultimate determination of all questions, arising out of the national legislation, upon which differences of opinion may arise amongst us.

To that tribunal Massachusetts has recently availed herself of her right to appeal. The long pending controversy between us and our sister State of Rhode Island, concerning the true boundary between the two States, under the direction of the Executive, and in conformity with the expressed will of the Legislature, has been brought before the Supreme Court of the United States for a final determination and adjustment. An order has been passed by the court, directing Rhode Island to appear and answer the bill in equity which Massachusetts has filed against her, and this protracted and vexatious contro-

versy will now be decided, by an umpire in whose judgment, it cannot be doubted, both the parties will repose with entire confidence.

Having been summoned from another sphere of the public service, the duties of which I have continued to perform until I was discharged from them by taking the oaths which have just now been administered to me, it will not be expected that upon this occasion I should enter into any detailed exposition of the affairs of the Commonwealth. The opportunity of informing myself in respect to them will be furnished by the reports of the various departments, and of several Boards of Commissioners, to whom have been intrusted the supervision and examination of many important institutions and interests of the State. As these reports are received, I shall make them the subjects of such special communications as their contents may require. There are, however, certain topics which it is proper that I should now bring to the notice of the Legislature.

The state of the treasury is such as to require your careful attention. Without going into the details which have been furnished to me by the Auditor, and which will more appropriately be laid before you in his report, and in that of the Treasurer and Receiver-General, it appears that there is a deficit in the ordinary revenues of the the past year to meet the expenditures for the same period, of sixty-six thousand three hundred and fifteen 98-100 dollars. While the receipts for 1852 do not vary essentially from the estimate made and submitted to the Legislature by the Auditor in April last, the expenditures have greatly exceeded it. The excess over the estimate in the items of cost of Legislation and State Printing, amount alone to about twenty-five thousand dollars. The cost of legislation has increased, during the last two years, in an unprecedented ratio; the excess for the years 1851 and 1852 over 1841 and 1842, the corresponding years of the last decennial period, being the sum of one hundred and forty-four thousand and five hundred dollars. In 1851 a loan of one hundred thousand dollars was authorized to supply the deficiency of revenue, upon the issue of five per cent. scrip, payable in two years, which falls due on the 1st of July of the present year, and must be provided for. If to this be added the deficit for 1851 and 1852, and the amount anticipated for 1853, together with further necessary appropriations for the new Lunatic Hospital and State Almshouses, it is the estimate of the Auditor that there will be at least three hundred and sixty-three thousand dollars to be provided for, beyond the ordinary expenditure, without taking into the ac-

count the expenses of the proposed Convention for revising the Constitution.

Impressed as I am with the conviction that the law passed at the last session, providing for the calling of such convention, is at least of doubtful constitutionality,—that all the amendments that are really desirable could be made in the manner prescribed for its own amendment in the constitution itself,—that many of the declared objects for which a convention has been urged, could be attained by simple acts of legislation,—and that it is neither wise nor expedient to subject to a general revision and alteration, a frame of government under which the commonwealth has so eminently prospered,—thereby substituting experiment for experience, and subjecting the organic law, the only protection of the minority, to the capricious fluctuations of political parties, I cannot refrain from expressing a regret, that for such an object an additional burden should at this moment have been cast upon the treasury. I submit to the wisdom of the legislature to devise such ways and means to replenish it, and to ensure its economical administration for the future, as our constituents have a right to expect from the government. If, in consequence of these unusual drafts upon it, there should be a necessity for a resort to taxation, I am confident the people of this commonwealth, whose resources are limited only by their industry and intelligence, will more readily yield to that necessity, than to the remotest imputation upon their good faith, which would result from a resort to any temporary expedients, that look to the postponement of their just obligations.

At the last session of the legislature, provision was made for the sale of the entire body of the public lands owned by the commonwealth within the state of Maine. Under the authority vested in the commissioners, by the resolves then passed upon this subject, a proposition from certain individuals for the purchase of all these lands was received, which was acceptable to the commissioners. The contemplated sale, however, was not ratified by the governor and council, as was required by the resolves, and the sale was not consummated.

I regard this result as fortunate, both for Massachusetts and Maine. For while I cannot doubt that it is clearly for the interest of this commonwealth to dispose of this property, it is as obviously for the interest of Maine that she should become the owner of it. The possession of so large a territory within her jurisdiction, by an individual or a private company, through which a power might be concentrated and exercised over the lumbering business, from the forest to the market, highly prejudicial to the government and the people of that state, could not but be regarded by both with serious concern.

While it cannot reasonably be expected that Massachusetts should receive a less price than the fair value of the property, or less than others are ready to pay for it, considerations arising out of our past relations to our sister state, and the obligations of good neighborhood subsisting between us, suggest the propriety of our giving to Maine an opportunity to purchase these lands at a fair price and within a reasonable time ; an opportunity which she has not yet enjoyed, as her Legislature has not been in session since the Commissioners were authorized to make the sale. If she declines to avail herself of this opportunity, I recommend that the lands be offered at public sale, in small parcels, for cash, or undoubted security. The security should in no case be a lien upon the land or timber, but independent of both. Retaining such lien would render it necessary to keep up the machinery and expense of our land agency, or the transfer of its duties to some other department, and thereby defeat one object which we should otherwise accomplish by a sale of these lands, that of dispensing with such an agency altogether.

The public charities of the commonwealth, as embodied and expressed in those noble institutions for the relief of the poor, whom we have always with us, as well as the destitute and friendless stranger just cast upon our shores, and still more, those in which the state, with a godlike beneficence, ministers to the mind diseased, or stretches out a paternal hand to lead the vicious and the abandoned back to the ways of virtue, I would earnestly commend to your fostering care. All requisite information to guide your action respecting them will be laid before you ; and I only desire in this connection to express my readiness to aid in any measures, which may tend to elevate and improve these cherished objects of the solicitude and regard of the people of Massachusetts.

The cause of education has ever been regarded by our people as second to none of the great interests committed to the care and guardianship of the state. Among the first to enlist the warmest sympathies, and to secure the efficient aid of the early colonists, it has continued to receive from their descendants to the present hour, a constant, if not at all times an adequate support. Our colleges, founded and fostered by the wise and far-seeing liberality of individuals, from the two mites which were cast into their treasuries by the needy pilgrim, to the princely munificence of their endowments in later days, cannot fail to be regarded with deep interest by an intelligent legislature. The manner in which they have been conducted, has secured for them the foremost rank among similar institutions in the country : and they now furnish to our youth the

opportunity of acquiring an education of enlarged and liberal culture. But the peculiar glory of Massachusetts is to be found in the origin and history of our system of Common Schools, which have been cherished and extended, until no child of the two hundred thousand living within her borders, may not, and there are few who do not, receive in them the rudiments of a common education, at the public charge. This, however, should be regarded but as one stage of our progress in the right direction. It should be the object of the Government, eventually to establish and maintain in them, a system of instruction so thorough and efficient, that every child may have furnished to him at the public expense, an education which will fit him adequately to discharge all the ordinary duties, both public and private, of a man and a citizen. This is an object worthy of the highest ambition of an enlightened and Christian commonwealth ; and no enlightened and Christian commonwealth should rest satisfied until this object is attained. That Massachusetts has proposed to itself this high purpose, its legislation for the last fifteen years—in the creation of the Board of Education,—the institution and support of Normal Schools,—the establishment of Teachers' Institutes and School Libraries,—with other kindred measures, clearly indicates. The statistics which will be furnished to you from the office of the Board of Education, and to which, in this connection, I can only refer, will exhibit a gratifying and encouraging progress in this great work ; which, like all others of a moral and intellectual character, intended to operate upon an extensive scale, must necessarily be slow ; and which, for this reason, must be pursued with patient energy, with no diminution of means or effort, and with no abatement of heart or hope. It will be my pleasure to co-operate with you, and with the Board of Education, in whatever measures may, after mature deliberation, be adopted for the promotion of a cause so beneficent and noble as the education of the whole people.

The Militia of the Commonwealth, for the maintenance of which the framers of the Constitution have wisely provided, as our only security against the dangers of a standing army on the one hand, or that worse evil, if possible, the anarchy which springs from the impotency of Government to execute its laws on the other, I desire particularly to commend to your favorable regard. I am gratified in being able to state that it is now in a condition of great and increasing efficiency, and that our volunteer corps, by their excellent discipline, and their loyalty to the laws, have justly acquired the reputation of being "second to no body of citizen soldiery in the world." If their services should ever be called into requi-

sition, an occasion for which it is to be hoped may never arise, I should rely with entire confidence upon their fidelity to a soldier's duty, in a prompt and unquestioning obedience to every command, to enforce the execution of the laws, and maintain the public order.

The great interest of Agriculture, whether regarded as the immediate source of human subsistence, or as furnishing the honorable avocation of so large a portion of our people, stands foremost among the subjects of governmental concern in every civilized state. It is to be hoped that the legislation of the last year, in respect to this interest, in the establishment of a "Board of Agriculture," may prove a valuable aid to individual and associated effort in promoting its advancement. The suggestions which may be submitted by the intelligent and experienced agriculturists composing that Board, with a view to the action of the Legislature upon this subject, will not fail to receive your respectful consideration.

The Commerce and Navigation of the country, so far as they may be affected by legislation, are so almost exclusively within the control of the General Government, as to present but few subjects of consideration, within the sphere of our practical duties. It cannot be overlooked, however, that in respect to one of their most important departments, in which the people of Massachusetts, from the earliest period of their history, have had a larger interest than those of any other State in the Union, the events of the past year have excited deep solicitude. I refer to the Fisheries; in the successful prosecution of which, our people have long been foremost, and to which, as a nursery of her seamen, the whole country has been indebted to a degree that entitles them to the highest consideration of the Government. It is to be hoped that this important interest will receive, through the agency of the proper authorities, a prompt and favorable adjustment of all questions which have arisen in respect to it, and that the valuable rights of our citizens involved in them, will be scrupulously maintained.

There is one other topic, connected with the general interests of commerce and navigation, to which I deem it proper to call your attention. A case has recently been decided by the Supreme Judicial Court, deeply affecting the rights of pilots, and the duties and obligations of merchants and owners of vessels. Until Congress shall think it expedient to pass laws under the power vested in them by the Constitution "to regulate commerce with foreign nations and among the several States," providing for the appointment of pilots, and regulating generally the subject of pilotage, it remains a proper

subject of legislation within the jurisdiction of the State governments. Indeed, the first Act of Massachusetts on the subject was passed in 1783, before the adoption of the Constitution of the United States, and when this authority properly appertained to the government of the Commonwealth. That original statute has been changed and modified by a great number of subsequent acts, making special regulations for pilotage of vessels into and out of the principal ports of the State, and apparently abrogating, to a great extent, the provisions relating to the pilotage through the Vineyard Sound and over Nantucket Shoals ; but it would seem, from the adjudication referred to, that these acts in their effect upon the last named district, have been somewhat misunderstood. Perhaps no change of legislation may be necessary ; but on a subject so deeply affecting the interests of owners of vessels, the safety of navigators and passengers, and the rights of a hardy and meritorious class of officers, it seems necessary that the laws should not only be just in principle, but clear and explicit in their provisions, and well understood by all persons concerned in their execution.

It is a source of congratulation, that the manufactures and mechanic arts of the country, in many of the most important departments of which, the people of this Commonwealth have so extensive an interest, have in some degree emerged from the state of ruinous depression into which they had fallen. Apart from the vast pecuniary and industrial interests which are involved in their operations, the manufacturers and mechanics of Massachusetts have entitled themselves to a generous consideration from the other portions of the confederacy, by what they have accomplished to elevate the character of the country, and to render it in so great a degree, independent of foreign labor and skill. By their contributions to the arts of civilization and peace, and the stimulus they have given to the inventive genius of their countrymen, they have secured for her, among the manufacturing nations of the world, a position which significantly answers the threat once uttered concerning us by British power, that "America should not manufacture for herself so much as a hob-nail." We have reached a stage of progress in these important departments of industry, when the question of governmental protection should be settled, as a business question, upon a permanent basis, having a just reference to all the great interests of the country. I think there can be no difference of opinion amongst us, that there is one species of protection, which it is the obvious duty of the General Government to extend to them ; and that is, a protection against the fraudu-

lent valuation by foreign importers of the manufactures of other countries, that come into competition with our own. If, in addition to this, Congress should follow the lead of Great Britain, now the great exemplar of the doctrines of Free Trade, in repealing the duties upon articles which enter into the processes of manufacture, without touching any principle upon which political parties have differed on this subject, much might be accomplished toward restoring this great interest of the Commonwealth to a reasonable degree of permanent prosperity.

In the advancement of this prosperity, it is a mistaken idea that there is any antagonism between labor and capital. They are mutually dependent upon each other, and mutually helpers of each other ; and he is no friend to the general interests of the State, or to any portion of its people, who would strive to foment a spirit of hostility between them. Unlike those countries in which long inherited wealth accumulates in a few families, while poverty is the hopeless inheritance of the great mass of the people,—in our favored community, where, with few and unimportant exceptions, all men toil, the labor of to-day becomes the capital of to-morrow ; and that is the only just legislation, which, while it protects and guarantees the rights of labor, gives security to the property which labor has earned.

The expression of my opinions as to the true functions of the Executive, and the just limits of legislation, for which I deem this a fitting occasion, will indicate the principles upon which it will be my endeavor to conduct the administration of the government.

By the Constitution of the Commonwealth it is explicitly provided, as one of the chief safeguards of Liberty, that the powers of the respective departments of the Government shall be kept scrupulously distinct, and independent of each other. In the loose discussions that are incident to all our political contests and controversies, there has been exhibited of late, a manifest tendency to disregard this great principle, which lies at the foundation of our Republican system. Both in regard to the General Government and the Government of the Commonwealth, there is a disposition to hold the Executive responsible for specific measures, the initiation and direction of which belong exclusively to the Legislature. It has been found a convenient mode of discussing this topic, with a view to its effect upon the interests of political parties, to speak of the Executive influence upon subjects of legislation. It is enough to say that any such influence is illegitimate, unauthorized, and in its tendency and spirit, a departure from

the plain requirements of the Constitution. The functions of the Executive are distinctly defined by that instrument. In my judgment, they clearly exclude even the declaration of his opinion, with respect to specific acts of legislation, unless his information upon the particular subject, the sources of which are not equally open to the Legislature, enables him to aid them by his suggestions, in the discharge of their duties.

The constitutional functions of the Executive are two-fold. First, he is to see that all laws which are enacted are faithfully executed. For a satisfactory discharge of this most responsible duty, he must rely in a great measure upon the co-operation of all good citizens ; a reliance, to which in this ancient commonwealth, so renowned for its love of public order, and the law abiding instincts of its people, no resolute and independent magistrate will ever look in vain. The further duty of the Executive, that of revising all bills passed by the legislature, and of giving to them his approval in order to invest them with the force of law, or of returning them, with the reasons of his dissent, is the only constitutional agency which is entrusted to him in matters of legislation.

The circumstances under which a chief magistrate, consistently with the views I have always entertained upon this subject, can with propriety exercise what is popularly called the veto power, are of extremely rare occurrence. There must enter into them, either the elements of a clear conflict with some provision of the constitution, some manifest mistake on the part of the legislature, or such a plain disregard of the wishes and interests of the people, as to leave the executive no alternative, but a refusal to assent to their enactment. I cannot contemplate the happening of either of these contingencies ; or of any occasion which can require me to differ with you, in your judgment of what the public interests may demand, either in the enactment of new laws or the abrogation or repeal of any already existing. The responsibility of legislation is with you ; and I look forward with confidence to a cordial co-operation with you, in whatever you may judge will most effectually subserve the rights of all classes of our constituents, maintain the public peace, and promote the general welfare.

I think I cannot be mistaken in the opinion, that there has been in this commonwealth a tendency to an excess of legislation. It was the just remark of an eminent statesman, that "to innovate is not to reform." Stability, simplicity and permanency in the laws, are positive blessings. Any change, unless absolutely required by the exigencies of the particular case, is in itself an evil. No institution of human contrivance is perfect ; and the imperfections of humanity must attach, in

some degree, to the wisest legislation. It seems to me, therefore, that the wise moderation, which avoids both the extremes, of a blind conservatism which clings to everything that is established, merely because it is old,—and the reckless and impatient radicalism which is ready to adopt every new project or theory, merely because it is new—a moderation which consults that vital element in every well-governed community, the adaptation of an established system of laws to the usages and habits of the people, is one of the safest guides in practical and beneficent legislation. In other countries the government assumes many duties which here are left to the individual or associated action of the citizens themselves; and these relations and functions of the state are with them made fitting, and perhaps necessary, by the want of knowledge in the people. With us, the functions of the legislature are limited to those objects for which it is the essential and exclusive duty of a constitutional government to provide. It is presumed that a people, intelligent enough to carry on institutions like ours, will be better able to take care of their own interests, than the legislature, or any other department of the state. But though the character of our institutions prescribes a more limited range to government, and though the history of the country shows, that in general we have followed this rule of conduct, yet we are often tempted to depart from it, under the pressure of sudden or strong excitement, or by appeals to our philanthropy. The tendency to overstep the true limits of legislative duty is not the less carefully to be watched, from the fact that the immediate occasion is often, perhaps generally, a highly desirable end. The principle is important to be maintained entire. The cause of morals has never gained in the long run, by an attempt to give to it an added power through illegitimate legislation; while the severest wounds that have been inflicted upon it, have been those which it has “received in the house of its friends,” when it has been dragged by them into the fatal arena of party politics. With so many and such powerful instruments of moral influence as flow from the character of our people, the legislature may safely keep within the sphere marked out by the spirit of our institutions; always bearing in mind, however, that no laws can be effective which are not sustained by public opinion; and that a law which has not this support, supposing it possible to be enacted, must, from that very reason, become in a great degree inoperative.

The same wise forecast with which, in framing the constitution, our fathers provided for the enactment, and the execution of “good and wholesome laws,” by assigning to each

of the departments of the government to which these duties were intrusted, its appropriate sphere, is also evinced in the provisions of the same instrument which were intended to secure their just interpretation and impartial administration. It has been the eminent good fortune of Massachusetts, from the earliest period, to be blessed with an able, learned, conscientious and independent judiciary. Abroad, in all states and nations where the system of the common law prevails,—a system, let it not be forgotten, to secure the administration of which was one of the declared objects of the revolution,—the opinions and decisions of her judges, have been received and respected as among the soundest expositions of its principles; while at home, they have enjoyed, as they have deserved to enjoy, the unqualified confidence of all classes and conditions of men.

To this department, the framers of the constitution evidently looked as one of the chief supports of our wisely adjusted system of free government. In the perfect independence of the executive and legislative power which they secured to it, they provided the only ultimate resource of the weak against the strong, of the feeble and the friendless against the influential and the powerful, in the maintenance of their rights, and in the dispensation of justice. They established, therefore, the tenure of the judicial office upon such a basis, as effectually to place its incumbents above the reach of all unworthy influences, and, what is of scarcely less importance, above the suspicion of being subjected to them. In whatever else the fond expectations of the fathers of the republic may have failed to be realized, the judicial history of the commonwealth, and the general sense of security in the impartial administration of justice, which prevails amongst us, furnish ample proof that this portion of their labors has been crowned with signal success.

A strict observance, by all legislators and magistrates, of these just limits of the various departments of the government, and a sedulous cultivation, among the people, of a respect for laws which are thus enacted and administered, will continue to us, and to our children, the blessing and the boast of our admirable system, that this is “a government of laws and not of men.” In all matters of civil government, the law is our only sovereign. The loyalty, which in other countries is rendered to the mere accident of birth, is here due to that invisible but omnipresent power, which we have voluntarily enthroned and established, for our protection and guidance, under the majestic name of law. A refusal to submit to its requirements, is the most fatal treason to the best interests of the state. It is the only shield between us, as a people, and

that wild anarchy, which is more intolerable than the absolute despotism of an imperial or regal tyrant.

Gentlemen :

I have been called to a post of duty which has been made honorable by the unselfish and patriotic services of a long line of illustrious men. I have obeyed this call from no promptings of personal ambition, nor with the expectation of any personal advantage. We are none of us here, in these high places of public confidence, to seek anything for ourselves, beyond what we can enjoy in common with the whole people. We are here to serve the Commonwealth, and to promote, as far as in us lies, all her great and growing interests ; and to endeavor to leave behind us such a record, as will entitle our names to a worthy association with those who have preceded us, and who have left to us, the precious inheritance of a great and good example.

In the discharge of our respective trusts, let us not forget, that the Constitution has expressly enjoined upon us, as a part of our official duty, to " inculcate sincerity, good humor, and all social affections and generous sentiments among the people." In obeying this injunction, by the exhibition of a tolerant and conciliatory disposition among ourselves, we shall most effectually check the perilous growth of that party spirit, which the prophetic fears of Washington led him to denounce as " the worst enemy of popular governments ;" and against which, in his parting counsels, he so fervently and affectionately admonished us. It is a great error to suppose that there is any necessary or just connection, between a firm and unwavering fidelity to our own convictions of political duty, and any distrust of the integrity, or impeachment of the motives, of those with whom we differ in opinion.

Let us then proceed, in a spirit of mutual kindness and conciliation, to the discharge of our respective duties ; leaving the contentions of parties to other spheres, to which, if anywhere, they more appropriately belong. For myself, I tender to you, in this spirit, my co-operation in all constitutional measures that you may adopt, for promoting the interests, and maintaining the honor, of our beloved and venerated Commonwealth.

MESSAGES.

To the President of the Senate :

SIR :—I herewith transmit, for the use of the Legislature, the following reports and communications, which have been received by this department of the Government, viz :

1. Resolve of the State of Connecticut upon the compromise measures.

2. Report of the Secretary of the State of Maine notifying the appointment by the Executive of that State, of two Commissioners agreeable to the Act of separation of that State from Massachusetts.

3. Report of the Land Agent.

4. Report of the Agent of Charles River and Warren Bridges.

5. Final Report of the Commissioners for enlarging the State Prison.

6. Report of the Inspectors, Warden, Chaplain and Physician of the State Prison.

7. Three Reports of the Commissioners of Marshfield and the Herring Pond Indians—one of 1851, and two of 1852.

8. Report of the Commissioner for removing certain monuments erected by the Commissioners of Rhode Island and Massachusetts, appointed to ascertain and establish the boundary line between said states.

9. Report of the Commissioner for prosecuting the claim of Massachusetts upon the General Government.

10. Report of the Adjutant-General.

11. Resolutions of the State of South Carolina on the death of Henry Clay and Daniel Webster,—and the proceedings of a public meeting of the citizens of Charleston, South Carolina, to pay their tribute of respect to the memory of Daniel Webster.

JOHN H. CLIFFORD.

Council Chamber, January 18, 1853.

To the President of the Senate :

SIR,—I transmit herewith a Report of the Commissioners appointed under the act of the last session of the Legislature in relation to paupers having no settlement within this Commonwealth.

By that act the Governor was authorized to borrow the sum of one hundred thousand dollars, for effecting its objects : and in compliance with its provisions my predecessor has negotiated a loan to that amount, at a premium of five per cent. Certificates of debt bearing interest at five per cent. have been issued accordingly.

The accompanying report details the proceedings of the Commissioners. It will be seen that, in their opinion, if the intentions of the Legislature which passed the act referred to, are to be carried out, a further appropriation must be made.

This is a subject of grave importance to the pecuniary interests of the citizens of the Commonwealth. The act referred to was intended to establish a system, which should, to a great degree, relieve them from very onerous and constantly increasing burdens, and its provisions seem well adapted to that end.

I respectfully commend the subject to the deliberate consideration of the Legislature.

JOHN H. CLIFFORD.

Council Chamber, January 19, 1853.

To the House of Representatives :

I transmit herewith, for the use of the Legislature, a report of the Commissioner appointed under the act of 1851, for the erection of a second hospital for the insane.

JOHN H. CLIFFORD.

Council Chamber, January 19, 1853.

Council Chamber, January 27, 1853.

To the President of the Senate :

SIR :—In compliance with the request of the two branches of the Legislature contained in a joint order of the 20th instant, I addressed to the Honorable Franklin Pierce, President elect of the United States, a communication, of which the following is a copy, tendering to him the hospitality of the Commonwealth :

COMMONWEALTH OF MASSACHUSETTS, }
Executive Department, Council Chamber, January 22, 1853. }

SIR :—I have the honor to transmit to you the accompanying copy of an order of both branches of the Legislature of this commonwealth, requesting the Governor “to tender to

you the hospitalities of Massachusetts when on your way to Washington."

It gives me sincere pleasure to be the medium of this communication, and with an assurance of my cordial concurrence in these proceedings of the Senate and House of Representatives, to express my personal desire that you will accept the hospitalities of the commonwealth in such manner as may be most agreeable to yourself.

My senior aid-de-camp, Col. Lincoln, is charged with the delivery of this communication in person, and will receive any reply to it you may be pleased to make.

I am, very respectfully, your obedient servant,
JOHN H. CLIFFORD.

To the Hon. Franklin Pierce, }
President elect, &c., &c. }

Upon the receipt of this communication by the President elect, at his residence in Concord, he was just leaving home for a brief visit to this city. On his arrival here, he did me the honor to wait upon me, and reply in person, to the invitation which had been tendered to him. He expressed his high appreciation of the generous kindness which had been manifested towards him by the two branches of the Legislature, and desired that his thanks for their hospitable intentions, should be conveyed to them, but, for reasons arising out of his recent domestic bereavement, which he had more fully expressed in his communication to the municipal authorities of Boston, he felt constrained respectfully to decline the invitation of the commonwealth.

While it is a source of regret that we are thereby deprived of an opportunity to manifest our respect for a distinguished fellow citizen of New England, who is about to enter upon the arduous and responsible duties of the high office to which the people have called him, the motives which have prompted his determination cannot fail to increase our respect for his character, and to deepen the sympathy which his great sorrow has awakened in all our hearts.

I request that this communication may be transmitted to the House of Representatives.

JOHN H. CLIFFORD.

To the President of the Senate :

SIR,—By a Resolve of the last Legislature, "Six hundred copies of the Indexes of the General Court Records, up to the time of the adoption of the Constitution, were ordered to be printed for distribution ; the said printing to be done under

the direction and supervision of "the then clerk of the senate, Francis H. Underwood, Esq."

By a recent communication from Mr. Underwood to the Governor and Council, it appears that some further action upon this subject on the part of the Legislature is required. A Committee of the Executive Council, to whom Mr. Underwood's communication was referred, have reported, that they find "that the old Indexes which were ordered to be printed are quite imperfect, and the arrangement far from being clear or intelligible. From an examination of the work of preparing a new Index, which Mr. Underwood has commenced, so far as it has progressed, they fully approve the plan thereof, and deem its execution highly desirable. But they cannot avoid a doubt, whether a strict construction of the Resolves authorizes anything beyond the printing of the old Indexes, which, for the reasons stated, would be an idle and useless expense."

The Committee suggest, as an additional reason for further legislation upon this subject, that the Resolve itself, if it is to be so construed as to authorize Mr. Underwood to take into his custody these records, which the execution of the work renders indispensable, is in conflict with that provision of the Constitution, by virtue of which the Secretary of the Commonwealth is entrusted with the care and custody of the public Records, and is made responsible for their safe keeping.

With a view to remedying these difficulties upon a matter of great public interest, I respectfully recommend that the preparation of a suitable Index be authorized, to be executed by Mr. Underwood, whose capacity and qualifications for the work are fully exhibited in the portion of it already accomplished; and that it be done under the supervision of the Secretary of the Commonwealth, who, by the appointment of the clerk, whose assistance is indispensable from his office, will retain the custody of the records as required by the constitution. It would also seem to be proper that the *per diem* compensation of Mr. Underwood and the clerk should be fixed by the Legislature, or that the Executive should be authorized to determine it; the existing Resolve having apparently had reference to a less expensive work. An inspection of the early volumes of these records, so valuable to the Commonwealth as a portion of its history at a most interesting period, suggests the importance of some prompt measures for their preservation. The first two volumes especially, from their great age, their frequent inspection, and the corrosion of the paper by the ink which was used by the recording officers, are in such a state of dilapidation and decay as to be in many places totally illegible. There are duplicate copies of them in

the State Library, by reference to which the obliterated portions of the originals may now be supplied ; but the authenticity and accuracy of the copies may hereafter be drawn in question, when it will be impossible to verify them by a comparison with the originals. I therefore respectfully recommend that the first two volumes of these Records be printed, and that the executive be authorized to cause the same to be done by some competent person, under the supervision of the Secretary of the Commonwealth.

JOHN. H. CLIFFORD.

Council Chamber, February 12, 1853.

To the President of the Senate :

SIR,—I transmit herewith the Annual Report of the Trustees of the State Lunatic Hospital, with the accompanying Reports of the officers of the Institution.

The Report, in conformity with usage, has been printed under the supervision of the Trustees, and is ready for distribution.

JOHN H. CLIFFORD.

Council Chamber, February 23, 1853.

To the President of the Senate :

SIR,—I transmit herewith, for the use of both branches of the Legislature, the final Report of the Commissioners appointed to revise and reform the proceedings in the Courts of Justice in this Commonwealth, except in criminal cases.

The Report contains important suggestions in relation to a change in the modes of procedure in Equity cases, and is accompanied by a draft of a Bill, to the provisions of which I invite the consideration of the Legislature.

JOHN H. CLIFFORD.

Council Chamber, March 2, 1853.

To the President of the Senate :

SIR,—The accompanying correspondence, consisting of, 1st, a note from M. Carvallo to the Hon. Edward Everett ; 2d, a copy of Mr. Everett's reply ; 3d, Mr. Everett to the Governor, enclosing the foregoing ; and, 4th, a copy of the Governor's note to M. Carvallo, which I hereby transmit for the information of both branches, will apprise the Legislature of the addition of a valuable work to the State Library, through the liberality of the Government of Chili, by whom it has been presented to the commonwealth. It comprises, as far as pub-

lished, fifteen volumes, upon the Zoology, Botany and Political history of the Republic of Chili, and is to be continued so as to embrace a complete view of the Physical and Political history of that country. The additional volumes will be transmitted as they are published from time to time. I immediately acknowledged the receipt of Mr. Everett's letter, and forwarded through him to the Minister of Chili the note of acknowledgment, a copy of which accompanies this communication.

I respectfully submit to the consideration of the Legislature the propriety of reciprocating this act of courtesy on the part of the Republic of Chili, by the transmission to its Government of such of the works, illustrative of our institutions, as have been published by order of the Legislature, and which may have an interest and value for the people of that State.

JOHN H. CLIFFORD.

Council Chamber, March 21, 1853.

To the President of the Senate:

SIR,—I have recently received the accompanying communication from the Governor of New Jersey, covering certain Resolutions of the Legislature of that State relative to the construction of a breakwater at Cape May.

In compliance with the request contained in one of the Resolutions, I herewith transmit the same to the Senate for the information of both branches of the Legislature.

JOHN H. CLIFFORD.

Council Chamber, May 12, 1853.

To the House of Representatives:

The accompanying communication from the Agent of the State, to aid discharged convicts, which I herewith transmit for the information of the Legislature, suggests the necessity of some additional legislation to meet a class of cases for which no adequate provision now exists by law.


The Statute already provides that persons becoming insane while under sentence in the State Prison, shall be sent to the State Lunatic Hospital, and prescribes the mode in which it is to be done. But it makes no provision for the relief of those who, upon the expiration of their term of imprisonment, are incapacitated by bodily infirmity to provide for themselves. They are either paupers, having a settlement in some town or city of the Commonwealth, or they come within the class of State paupers, having no such settlement. If the former, it

is not made the duty of the agent, or any officer of the prison, to investigate the question of such settlement—often a very difficult task—nor are they provided with the means of doing it. If the convict in the State Prison is a State pauper, it would be manifestly unjust to throw him upon the city of Charlestown, or if confined in any jail or house of correction, upon the city or town within the limits of which such prison happens to be situated. There is absolutely no provision whatever for this class of persons. When the State Almshouses shall be ready for occupancy, they may be proper receptacles for such. But even in that event some further legislation would seem to be desirable.

I would respectfully suggest that such provisions of law as the exigency may seem to require with respect to convicts in the State Prison at Charlestown, be extended also to the jails and houses of correction in the several counties of the Commonwealth.

JOHN H. CLIFFORD.

Council Chamber, May 14, 1853.



LIST OF THE
CIVIL GOVERNMENT

OF THE
COMMONWEALTH OF MASSACHUSETTS,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1853.

HIS EXCELLENCY
JOHN H. CLIFFORD,
GOVERNOR.

HIS HONOR
ELISHA HUNTINGTON,
LIEUTENANT GOVERNOR.

COUNCIL:
GEORGE B. UPTON,
EBENEZER TORREY,
WILLIAM SUTTON,
OSMYN BAKER.
THOMAS SAVERY,
JOHN H. W. PAGE,
HENRY P. FAIRBANKS,
STEPHEN M. WELD,
HENRY CHICKERING,

EPHRAIM M. WRIGHT,
Secretary of the Commonwealth.

WILLIAM TUFTS, 1st Clerk.

CHARLES W. LOVETT, 2d Clerk.

JACOB H. LOUD,
Treasurer and Receiver-General.

ADDISON G. FAY, 1st Clerk.

HENRY BLANEY, 2d Clerk.

DAVID WILDER, JR.,
Auditor.

DANIEL H. ROGERS, Clerk.

FRANCIS M. ADAMS,
Messenger to Governor and Council.

SENATE.

C. H. WARREN,
PRESIDENT.

SUFFOLK DISTRICT.

Thomas G. Cary,	Samuel D. Parker,
Francis Brinley,	Osmyn Brewster.
Charles E. Cook,	

ESSEX DISTRICT.

Micajah Lunt,	Alfred A. Abbott,
Thomas Wright,	Nathaniel S. Howe.
Henry Russell,	

MIDDLESEX DISTRICT.

Benjamin Adams,	Winthrop E. Faulkner,
G. Washington Warren,	Allen Cummings,
Sanford B. Perry,	Samuel D. Davenport.

WORCESTER DISTRICT.

Freeman Walker,	Ivers Phillips,
Sullivan Fay,	Charles Thurber.*
Elisha Murdock,	

HAMPSHIRE DISTRICT.

Noah L. Strong,	Joseph Smith.
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HAMPDEN DISTRICT.

George Dwight,	Edward B. Gillett.
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FRANKLIN DISTRICT.

Horace Henderson.

* In place of J. S. C. Knowlton, resigned.

BERKSHIRE DISTRICT.

Henry H. Cook, Ensign H. Kellogg.

NORFOLK DISTRICT.

John J. Clarke, John W. Loud.
Calvin Fisher, Jr.,

BRISTOL DISTRICT.

John Earle, George Howland, Jr.
Willard Blackinton,

PLYMOUTH DISTRICT.

Horace Collamore, Caleb W. Prouty.

BARNSTABLE DISTRICT.

Cyrus Weeks, James B. Crocker.

DUKES AND NANTUCKET CO. DISTRICT.

Benjamin Manter.

CHARLES CALHOUN, *Clerk.*

JOHN J. PIPER, *Assistant Clerk.*

REV. J. S. D. FARNSWORTH, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

WILLIAM M. WISE, *Doorkeeper.*

JOHN A. SARGENT, *Assistant Doorkeeper.*

WILLIAM SAYWARD, *Postmaster.*

TILSON FULLER, *Page.*

HOUSE OF REPRESENTATIVES.

HON. GEORGE BLISS,
SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Zenas Allen,
Benjamin Blaney,
Moss K. Booth,
Francis Boyd,
Theophilus Burr,
Gardner Chilson,
Samuel F. Coolidge,
John Cowdin,
George Eaton,
James Egan,
Joseph Eveleth,
Joel Giles,
Henry M. Holbrook,
Ralph W. Holman,
Samuel Hooper,
Henry Jones,
George Kingman,
Samuel B. Krogman,
Winslow Lewis,
David Morgan,
John Odin. Jr.,
Sewall F. Parcher,
Aurelius D. Parker,
Samuel S. Perkins,

(<i>Boston,</i>	Silas F. Plimpton, Thomas Resticaux, Henry Rice, Otis Rich, John G. Roberts, Thomas H. Russell, Benjamin W. Seamans, James W. Sever, J. Thomas Stevenson, Newell A. Thompson, Warren Tilton, John S. Tyler, W. R. P. Washburn, Moses H. Wetherbee, James S. Wiggin.
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(*Chelsea,*
(*North Chelsea,*
(*Winthrop,*

COUNTY OF ESSEX.

(<i>Amesbury,</i>	Jonathan Nayson,
(<i>Andover,</i>	
(<i>Beverly,</i>	William Endicott, Joseph E. Ober,
(<i>Boxford,</i>	
(<i>Bradford,</i>	Nathan Fletcher,
(<i>Danvers,</i>	William Wolcott,
(<i>Essex,</i>	John Prince,
(<i>Georgetown,</i>	Moses Merrill,
(<i>Gloucester,</i>	John W. Haskell, David H. Plumb,
(<i>Groveland,</i>	
(<i>Hamilton,</i>	
(<i>Haverhill,</i>	Samuel Brainard, John B. Nichols,
(<i>Ipswich,</i>	
(<i>Lawrence,</i>	Enoch Bartlett, Enoch Pratt, David Wentworth,
(<i>Lynn,</i>	

HOUSE OF REPRESENTATIVES.

<i>Lynnfield,</i>	John Danforth, Jr.,
<i>Manchester,</i>	
<i>Marblehead,</i>	
<i>Methuen,</i>	
<i>Middleton,</i>	James Wilkins,
<i>Nahant,*</i>	
<i>Newbury,</i>	Andrew W. Miltimore,
<i>Newburyport,</i>	William E. Currier,
	Moses Davenport,
	Amos Wood,
<i>Rockport,</i>	
<i>Roxley,</i>	Elnathan Hobson,†
<i>Salem,</i>	Nehemiah Brown, Jr.,
	Stephen B. Ives,
	John Jewett,
	Otis P. Lord,
	David Moore,
	John Whipple,
<i>Salisbury,</i>	Timothy P. Morrill,
<i>Saugus,</i>	John B. Hitchings,
<i>Swampscot,</i>	
<i>Topsfield,</i>	Samuel S. McKenzie.
<i>Wenham,</i>	
<i>West Newbury,</i>	

COUNTY OF MIDDLESEX.

<i>Acton,</i>	Moses Hayward,
<i>Ashby,</i>	Amos Wellington, Jr.,
<i>Ashland,</i>	Elias Grout,
<i>Bedford,</i>	Francis Cogswell,
<i>Billerica,</i>	Henry Rice,
<i>Borborough,</i>	
<i>Brighton,</i>	Joseph Duncklee,
<i>Burlington,</i>	
<i>Cambridge,</i>	Isaiah Bangs,
	William A. Brewer,
	James D. Green,
	John Livermore,

* New town, incorporated March 29, 1853.

† Thomas E. Payson, resigned.

<i>Cambridge,</i>	Joseph Whitney,
<i>Carlisle,</i>	
<i>Charlestown,</i>	
<i>Chelmsford,</i>	
<i>Concord,</i>	William W. Wilde,
<i>Dracut,</i>	George W. Coburn,
<i>Dunstable,</i>	Benjamin French,
<i>Framingham,</i>	Simon Whitney,
<i>Groton,</i>	William Shattuck,
<i>Holliston,</i>	
<i>Hopkinton,</i>	Levi P. Coburn,
<i>Lexington,</i>	William Chandler,
<i>Lincoln,</i>	William F. Wheeler,
<i>Littleton,</i>	Benjamin Edwards,
<i>Lowell,</i>	Benjamin F. Butler,
	Caleb Crosby,
	Luther Eames,
	John S. Fletcher,
	Joshua M. Hadley,
	Luther B. Morse,
	Jonathan Page,
	William S. Robinson,
	William Roby,
<i>Malden,</i>	Henry W. Van Voorhis,
<i>Marlborough,</i>	
<i>Medford,</i>	James M. Usher,
<i>Melrose,</i>	Samuel O. Dearborn,
<i>Natick,</i>	John Kimball,
<i>Newton,</i>	
<i>North Reading,*</i>	
<i>Pepperell,</i>	Thomas J. Dow,
<i>Reading,</i>	George Batchelder,
<i>Sherborn,</i>	Alpheus Clark,
<i>Shirley,</i>	
<i>Somerville,</i>	
<i>South Reading,</i>	
<i>Stonham,</i>	

* New town, incorporated March 22, 1853.

<i>Stow,</i>	Marshall Davis,
<i>Sudbury,</i>	Jonathan R. Vose,
<i>Tewksbury,</i>	Nathaniel Trull,
<i>Townsend,</i>	
<i>Tyngsborough,</i>	
<i>Waltham,</i>	Horatio Moore,
<i>Watertown,</i>	
<i>Wayland,</i>	John N. Sherman,
<i>West Cambridge,</i>	N. M. Fessenden,
<i>Westford,</i>	Phineas Chamberlain,
<i>Weston,</i>	John A. Lamson,
<i>Wilmington,</i>	Benjamin Foster,
<i>Winchester,</i>	Zachariah Richardson,
<i>Woburn,</i>	Joseph Dow.

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	
<i>Athol,</i>	
<i>Auburn,</i>	
<i>Barre,</i>	John Smith,
<i>Berlin,</i>	Lewis Sawyer,
<i>Blackstone,</i>	Martin J. Steere,
<i>Bolton,</i>	
<i>Boylston,</i>	
<i>Brookfield,</i>	George Watkins,
<i>Charlton,</i>	Levi Hammond,
<i>Clinton,</i>	
<i>Dana,</i>	
<i>Douglas,</i>	Luke S. Keith,
<i>Dudley,</i>	
<i>Fitchburg,</i>	Lewis H. Bradford,
	Stephen Shepley,
<i>Gardner,</i>	David Wright,
<i>Grafton,</i>	Charles Goddard,
<i>Hardwick,</i>	
<i>Harvard,</i>	
<i>Holden,</i>	Charles L. Knowlton,
<i>Hubbardston,</i>	
<i>Lancaster,</i>	John G. Thurston,
<i>Leicester,</i>	

<i>Leominster,</i>	Joseph S. Darling,
<i>Lunenburg,</i>	James Putnam,
<i>Mendon,</i>	
<i>Milford,</i>	Horace B. Hero,
<i>Millbury,</i>	
<i>New Braintree,</i>	
<i>Northborough,</i>	Samuel Clark,
<i>Northbridge,</i>	
<i>North Brookfield,</i>	John Hill,
<i>Oakham,</i>	
<i>Oxford,</i>	Emory Sanford,
<i>Paxton,</i>	
<i>Petersham,</i>	George White,
<i>Phillipston,</i>	William Miller,
<i>Princeton,</i>	Charles A. Mirick,
<i>Royalston,</i>	Hiram W. Albee,
<i>Rutland,</i>	
<i>Shrewsbury,</i>	Adam Harrington,
<i>Southborough,</i>	Peter P. Howe,
<i>Southbridge,</i>	Lucian Marcy,
<i>Spencer,</i>	Alanson Prouty,
<i>Sterling,</i>	Luther W. Rugg,
<i>Sturbridge,</i>	Jabez Harding,
<i>Sutton,</i>	
<i>Templeton,</i>	Edward Hosmer,
<i>Upton,</i>	Velorous Taft,
<i>Uxbridge,</i>	
<i>Warren,</i>	
<i>Webster,</i>	
<i>Westborough,</i>	Abijah Wood,
<i>West Boylston,</i>	Oliver B. Sawyer,
<i>West Brookfield,</i>	
<i>Westminster,</i>	
<i>Winchendon,</i>	
<i>Worcester,</i>	Henry W. Benchley,
	George W. Gill,
	Edward Lamb,
	Eli Thayer,
	Charles White

COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	Moses B. Greene,
<i>Belchertown,</i>	Calvin Bridgman,
<i>Chesterfield,</i>	Paul H. Cudworth,
<i>Cummington,</i>	Nathan F. Orcutt,
<i>Easthampton,</i>	Horatio G. Knight,
<i>Enfield,</i>	David Cutting,
<i>Goshen,</i>	Franklin Naramore,
<i>Granby,</i>	James M. Barton,
<i>Greenwich,</i>	
<i>Hadley,</i>	Giles C. Kellogg,
<i>Hatfield,</i>	William H. Dickinson,
<i>Middlefield,</i>	
<i>Northampton,</i>	Amos H. Bullen,
<i>Norwich,</i>	
<i>Pelham,</i>	
<i>Plainfield,</i>	Wanton C. Gilbert,
<i>Prescott,</i>	Lucian Titus,
<i>South Hadley,</i>	Marcellus Clark,
<i>Southampton,</i>	
<i>Ware,</i>	Charles A. Stevens,
<i>Westhampton,</i>	Festus Hooker,
<i>Williamsburg,</i>	Joseph Bodman,
<i>Worthington,</i>	E. H. Brewster.

COUNTY OF HAMPDEN.

<i>Blandford,</i>	William B. Miller,
<i>Brimfield,</i>	
<i>Chester,</i>	Daniel Fry,
<i>Chicopee,</i>	Edmund B. Haskell,
	Charles R. Ladd,
	Samuel A. Shackford,
<i>Granville,</i>	Horace H. Parsons,
<i>Holland,</i>	Harris Cutler,
<i>Holyoke,</i>	
<i>Longmeadow,</i>	Dimond Colton,
<i>Ludlow,</i>	
<i>Monson,</i>	

‘ <i>Montgomery,</i>	Aaron P. Parks,
‘ <i>Palmer,</i>	Enos Calkins,
‘ <i>Russell,</i>	Nelson D. Parks,
‘ <i>Southwick,</i>	Moses White,
‘ <i>Springfield,</i>	George Bliss,
	Theodore Stebbins,
	Nelson Tyler,
‘ <i>Tolland,</i>	
‘ <i>Wales,</i>	Jonathan G. Royce.
‘ <i>Westfield,</i>	Luke Bush,
‘ <i>West Springfield,</i>	Edward Southworth.
‘ <i>Wilbraham,</i>	

COUNTY OF FRANKLIN.

‘ <i>Ashfield,</i>	Anson Bement,
‘ <i>Bernardston,</i>	
‘ <i>Buckland,</i>	William Sherwin,
‘ <i>Charlemont,</i>	
‘ <i>Coleraine,</i>	
‘ <i>Conway,</i>	E. F. Ames,
‘ <i>Deerfield,</i>	
‘ <i>Erving,</i>	
‘ <i>Gill,</i>	
‘ <i>Greenfield,</i>	Wendell T. Davis,
‘ <i>Hawley,</i>	Samuel T. Grout,
‘ <i>Heath,</i>	Ashmun H. Taylor.
‘ <i>Leverett,</i>	
‘ <i>Leyden,</i>	S. L. Shattuck,
‘ <i>Monroe,</i>	
‘ <i>Montague,</i>	Richard N. Oakman,
‘ <i>New Salem,</i>	Alpheus Harding, Jr.,
‘ <i>Northfield,</i>	Marshal S. Mead,
‘ <i>Orange,</i>	
‘ <i>Rowe,</i>	John C. Drury,
‘ <i>Shelburne,</i>	Joseph Sweet,
‘ <i>Shutesbury,</i>	Edwin C. Kellogg,
‘ <i>Sunderland,</i>	Elihu Smith,
‘ <i>Warwick,</i>	John G. Gale,

Wendell,
Whately,

Abel W. Nash.

COUNTY OF BERKSHIRE.

Adams,

Andrew A. Richmond,
Henry Tyler,

Alford,

Becket,

Henry A. Bidwell,

Cheshire,

Luther B. Loomis,

Clarksburg,

Dalton,

Egremont,

James H. Rowley,

Florida,

Nahum P. Brown,

Great Barrington,

Charles N. Emerson,

Hancock,

Hinsdale,

Gordon Parish,

Lanesborough,

Andrew J. Lewis,

Lee,

Caleb B. Phinney,

Lenox,

William O. Curtis,

Monterey

Alvin H. Turner,

Mount Washington,

New Ashford,

New Marlborough,

Emmons Arnold,

Otis,

Peru,

Stewart Shumway,

Pittsfield,

James D. Colt, 2d,

Charles Daniels,

Richmond,

Stephen R. Gay,

Sandisfield,

Abial A. Fuller,

Savoy,

David Ingraham,

Sheffield,

Stockbridge,

Henry I. Carter,

Tyringham,

Elbridge G. Tyrrel,

Washington,

Artemas W. Lloyd,

West Stockbridge,

Cyrus H. Woodruff,

Williamstown,

Harvey T. Cole.

Windsor,

COUNTY OF NORFOLK.

<i>Bellingham,</i>	Fenner Cook,
<i>Braintree,</i>	Edward Potter,
<i>Brookline,</i>	Willard A. Humphrey,
<i>Canton,</i>	Charles H. French,
<i>Cohasset,</i>	Thomas Stoddard,
<i>Dedham,</i>	Waldo Colburn,
<i>Dorchester,</i>	Elisha Ford,
	Edward King,
<i>Dover,</i>	
<i>Foxborough,</i>	James Stratton,
<i>Needham,</i>	
<i>Quincy,</i>	Noah Cummings,
	Frederick A. Trask,
<i>Randolph,</i>	Bradford L. Wales,
<i>Roxbury,</i>	Edward D. Boit,
	William A. Crafts,
	William Gaston,
	Hiram Hall,
<i>Sharon,</i>	
<i>Stoughton,</i>	Charles S. Richardson.
<i>Walpole,</i>	
<i>Weymouth,</i>	
<i>West Roxbury,</i>	
<i>Wrentham,</i>	

COUNTY OF BRISTOL.

<i>Attleborough,</i>	Lyman W. Daggett,
<i>Berkley,</i>	
<i>Dartmouth,</i>	
<i>Dighton,</i>	Anthony Shove,
<i>Easton,</i>	Wade Dailey,
<i>Fairhaven,</i>	Eldridge G. Morton,
<i>Fall River,</i>	
<i>Freetown,</i>	
<i>Mansfield,</i>	Isaac Stearns,
<i>New Bedford,</i>	
<i>Norton,</i>	Charles W. Hodges,

<i>Pawtucket,</i>	
<i>Raynham,</i>	Soranus Hall,
<i>Rehoboth,</i>	
<i>Seekonk,</i>	
<i>Somerset,</i>	Edmund Buffinton,
<i>Swanzey,</i>	
<i>Taunton,</i>	
<i>Westport,</i>	Isaac A. Anthony.

COUNTY OF PLYMOUTH.

<i>Abington,</i>	William P. Corthell,
	Elijah Shaw,
<i>Bridgewater,</i>	Van Ransselear Swift,
<i>Carver,</i>	Mathias Ellis,
<i>Duxbury,</i>	Aaron Josselyn,
<i>East Bridgewater,</i>	
<i>Halifax,</i>	
<i>Hanover,</i>	
<i>Hanson,</i>	Thomas J. Gardner,
<i>Hingham,</i>	Charles Howard,
<i>Hull,</i>	
<i>Kingston,</i>	
<i>Lakeville,*</i>	
<i>Marion,</i>	
<i>Marshfield,</i>	George M. Baker,
<i>Middleborough,</i>	
<i>North Bridgewater,</i>	Nahum Perkins,
<i>Pembroke,</i>	
<i>Plymouth,</i>	John E. Churchill,
	Charles O. Churchill,
	C. C. Bumpus,
<i>Plympton,</i>	
<i>Rochester,</i>	
<i>Scituate,</i>	Charles Curtis,
<i>South Scituate,</i>	Samuel C. Cudworth,
<i>Warcham,</i>	James R. Sproat.
<i>West Bridgewater,</i>	

* New town, incorporated May 13, 1853.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Edwin Baxter,
<i>Brewster,</i>	Benjamin Paine,
<i>Chatham,</i>	Samuel Doane,
<i>Dennis,</i>	Marshal S. Underwood,
<i>Eastham,</i>	Reuben Nickerson, Jr.,
<i>Falmouth,</i>	Thomas Lewis, Jr.,
<i>Harwich,</i>	Nathaniel Doane, Jr.,
<i>Orleans,</i>	John Kenrick,
<i>Provincetown,</i>	Henry Paine,
<i>Sandwich,</i>	Asahel Cobb,
<i>Truro,</i>	James Small,
<i>Wellfleet,</i>	Richard Stubbs,
<i>Yarmouth,</i>	Charles Baker.

DUKES COUNTY.

<i>Chilmark,</i>	William Ferguson, Jr.,
<i>Edgartown,</i>	Samuel Kinniston,
<i>Tisbury,</i>	Thomas Barrows.

COUNTY OF NANTUCKET.

<i>Nantucket,</i>	George H. Folger,
	Josiah Swain.

WILLIAM SCHOULER, *Clerk.*

WILLIAM E. P. HASKELL, *Assistant Clerk.*

REV. STEPHEN LOVELL, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

ALEXIS POOLE, *Doorkeeper.*

DAVID MURPHY, *Messenger.*

JOSEPH P. DEXTER, *Assistant Messenger.*

WILLIAM SAYWARD, *Postmaster.*

JAMES N. TOLMAN, JR., *Page.*

JOSEPH. P. DEXTER, JR., *Assistant Page.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, AUGUST 8, 1853.

I HEREBY CERTIFY, That the printed Acts, Resolves, &c., contained in this pamphlet, are true copies of the originals.

E. M. WRIGHT,

Secretary of the Commonwealth.

I N D E X

OF THE

ACTS, RESOLVES, MESSAGES, ETC.

OF THE YEARS

1 8 5 2 , 1 8 5 3 .

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